



JOHN MIKULIN
Assemblyman 17th District
Nassau County

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

RANKING MINORITY MEMBER
Committee on
Consumer Affairs and Protection

COMMITTEES
Banks
Education
Election Law

September 12, 2019

RECEIVED
NYS LIQUOR AUTHORITY

New York State Liquor Authority
80 S Swan St # 900
Albany, NY 12210

SEP 16 2019

Albany, NY
Chairman's Office

Dear Commissioners,

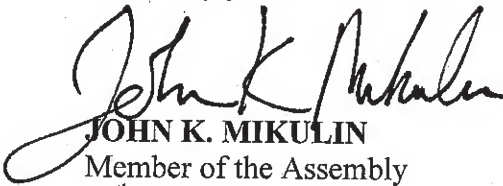
It has come to my attention that the SLA is weighing proposed rules that are not business friendly, and would negatively affect eateries and food establishments with liquor licenses all across the state, including in my district in Nassau County. I have been a champion of small businesses and make it a priority to cut red tape and bureaucracy that create unnecessary burdens on restaurants owners.

These rules, which cut commissions to third parties to less than 10%, will likely have unintended consequences to these small businesses that depend on app delivery companies for needed revenue streams. Delivery companies provide an important service to restaurants. Not only do they provide a delivery service, but they also provide the restaurants owners with software, logistical support, and marketing. All of these services have a value, and by reducing the amount restaurants are allowed to pay app companies to a de minimis less than 10%, app companies are no longer going to desire to work with licensed restaurants.

App companies will instead focus their partnerships on mega-corporation food chains like McDonalds and Taco Bell, putting our small businesses on Long island at even more of a deficit. I urge you to reconsider the proposed rules, and come up with a solution that won't create additional burdens for our small businesses.

Thank you.

Very truly yours,


JOHN K. MIKULIN
Member of the Assembly
17th District

**THE ASSEMBLY
STATE OF NEW YORK
ALBANY**

DOUGLAS M. SMITH
Assemblyman 5th District



**RANKING MINORITY MEMBER
Higher Education**

COMMITTEES
Aging
Banks
Energy
Housing

September 16, 2019

**RECEIVED
NYS LIQUOR AUTHORITY**

SEP 18 2019

**Albany, NY
Chairman's Office**

Chairman Vincent G. Bradley
New York State Liquor Authority
80 S Swan Street, Suite 900 AESOB
Albany, New York 12210

Dear Chairman Bradley,

Restaurant owners face many challenges every day when it comes to running a successful business. They face regulations from municipalities and the state, rising rental costs, competition, and a number of other issues that make it difficult just to turn a profit. The New York State Liquor Authority (SLA) is now proposing adding another layer of regulation that could take away an entire revenue stream that restaurant owners depend on -- revenue they generate from popular online and smartphone app-based food delivery services like Grubhub, Door Dash, Uber Eats, and others.

Over the past several months, we have been hearing more and more about how some app companies have hidden fees, fraudulent phone charges, and a lack of transparency in their dealings with restaurants. All of these issues can chip away at a restaurant's bottom line and make it more difficult just to get by, and they should be addressed. However, there is a right way and a wrong way to try and help small businesses, and what we're seeing from the SLA is decidedly the wrong approach. Last month, the SLA released new rules in an apparent attempt to even the playing field for small business owners, but this method doesn't actually solve any of those problems mentioned before, and creates a whole new set of regulations for restaurant owners to contend with in their day to day businesses.

The new rule that the SLA is proposing essentially caps fees on third parties to 10% of profits from any sale by an establishment with a liquor license, even "excluding the sale of alcohol." This drastic reduction in fees will force third party delivery companies to remove restaurants with liquor licenses from their platform, as that amount is too small to cover any of the services they provide including: delivery partners, marketing, logistical support, etc.

If these restaurants wanted to give a larger percentage (above the 10%) to delivery partners in order to remain in partnership, they would be forced to add the delivery companies to their liquor license. This creates a number of problems, as app companies would now be held liable for

September 16, 2019
New York State Liquor Authority
Page 2

establishments over which they have no control and would also eliminate any choice and flexibility that the restaurants currently have when choosing which app company to partner with for delivery services. This is not a good option for the delivery company or the restaurant, and it's safe to say it's not actually a viable option at all.

On behalf of my district, I would respectfully request that the New York State Liquor Authority take pause and consider what is at stake for small businesses all across the state. Removing flexibility over a valuable revenue stream will ultimately hurt restaurants is the wrong approach and will do nothing to address the real issue around transparency with respect to these online and app-based companies.

Respectfully,

A handwritten signature in black ink, reading "Douglas M. Smith". The signature is written in a cursive, flowing style with a large initial "D".

Douglas M. Smith
Member of Assembly

RANKING MINORITY MEMBER
ALCOHOLISM AND SUBSTANCE ABUSE
CRIME VICTIMS, CRIME AND CORRECTION

COMMITTEES
CODES
COMMERCE, ECONOMIC DEVELOPMENT
AND SMALL BUSINESS
ELECTIONS
LABOR

NEW YORK
STATE
SENATE



SENATOR
FREDERICK J. AKSHAR II
52ND SENATE DISTRICT

September 12, 2019

PLEASE RESPOND TO:

☐ ALBANY OFFICE:
ROOM 608
LEGISLATIVE OFFICE BLDG.
ALBANY, NEW YORK 12247
518-455-2677

☐ DISTRICT OFFICE:
BINGHAMTON STATE OFFICE BLDG.
44 HAWLEY STREET, STE. 1607
BINGHAMTON, NEW YORK 13901
607-773-8771

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NYS LIQUOR AUTHORITY

SEP 18 2019

Albany, NY
Chairman's Office

New York State Liquor Authority
80 South Swan St, #900
Albany, NY 12210

Dear Board Members:

Thanks for the opportunity to weigh in with my concerns regarding the guidance SLA issued in August, which would regulate the relationship between app delivery companies and establishments with liquor licenses.

After reaching out and listening to local businesses organizations, restaurant owners and delivery companies, I believe the proposed language could be harmful to restaurants with liquor licenses in my district and all across the state.

The arduous costs for local delivery companies and the additional layers of regulation on local business owners doesn't appear to level the playing field, but only creates the unintended consequence of an even more difficult, less affordable business climate for all New Yorkers involved. Sadly, the new rule will force our local restaurants to choose whether they want to have a liquor license or if they want to be a delivery service.

New Yorkers already pay some of the highest taxes in the nation and New York businesses face one of the least friendly business climates in the country. With our residential population continuing to shrink every year as more residents leave for more affordable states, we can't afford to make life more difficult for them and the companies that employ them.

I hope you will consider what's at stake for small businesses all across the state and strongly recommend you alter the current regulatory language so that the cap on fees remains at 10% and only applies to the sale of alcohol.

All the best,

Frederick J. Akshar II
New York State Senator

FJA/blf



BRIAN D. MILLER
Assemblyman 101st District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

RANKING MINORITY MEMBER
Real Property Taxation Committee

COMMITTEES
Agriculture
Consumer Affairs & Protection
Environmental Conservation
Transportation

September 17, 2019

New York State Liquor Authority
80 S Swan St # 900
Albany, NY 12210

RECEIVED
NYS LIQUOR AUTHORITY
SEP 19 2019
Albany, NY
Chairman's Office

Dear Commissioners,

I'm writing to express my concerns with your proposal for new regulations on how companies such as Grubhub, DoorDash, and Mealeo work with restaurants that have liquor licenses. As the Assembly Member representing the 101st Assembly District in upstate New York, I'm worried about how these proposals will impact small, privately owned restaurants.

The proposed changes that will limit commissions to ten percent of orders, if an app company is not on the liquor license, will make it difficult for these companies to continue to do business with small restaurants who serve alcohol. The profit margins will be too small and not worth their time. Therefore, they will be forced to discontinue their partnerships with many small restaurants. This will eliminate the ability for the affected restaurants to offer delivery services.

The amount of overbearing regulations and taxes in New York State already make it very difficult to run a business here, which is why the health of our economy is so poor. Small, privately owned restaurants found help when these food delivery apps offered them the ability to expand their business and improve their bottom line. Why, now will you take that away from them?

These restaurants cannot go through the lengthy, complicated, and expensive process of adding another party to their liquor licenses. With these app companies subsequently choosing to avoid restaurants that have a liquor license, restaurant owners will face a choice: sell liquor or use a delivery app – both will no longer be an option to many.

Forcing restaurants to choose between offering either a delivery option or alcohol on premises is unfair to small businesses. Yes, delivery apps are flawed. We must find a *good* way to stop hidden fees and stolen tips. Even with their flaws and kinks that are still being worked out, delivery apps remain an important revenue stream in a day and age where foot traffic is harder and harder to come by. The proposed rule changes do nothing to end the issues presented by delivery apps, but instead create additional issues.



BRIAN D. MILLER
Assemblyman 101st District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

RANKING MINORITY MEMBER
Real Property Taxation Committee

COMMITTEES
Agriculture
Consumer Affairs & Protection
Environmental Conservation
Transportation

I implore you to think twice about the new regulations. Before rushing through rules that could change how thousands of businesses operate, listen to the small business owners who are already tied up in enough red tape. I am asking you to put a moratorium on the proposed changes and think through the best way to help business owners, especially those outside the city where transportation options are more limited and delivery is a fast growing business. I look forward to working with you on this issue.

Sincerely,

A handwritten signature in cursive script that reads "Brian D. Miller".

Assemblyman Brian D. Miller
101st Assembly District

Donohue, Thomas (SLA)

From: abc.sm.fbssupplemental
Sent: Tuesday, September 17, 2019 10:10 AM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Secretary's Office

New York State Liquor Authority

Alfred E. Smith Office Building, Suite 900
80 South Swan Street, Albany, NY 12210-8002
(518) 474-3114 | secretarys.office@sla.ny.gov
www.sla.ny.gov

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From: Josh Cohen [REDACTED]
Sent: Tuesday, September 17, 2019 10:09 AM
To: abc.sm.fbssupplemental <fbssupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

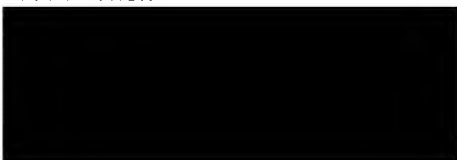
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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

In today's business environment, more and more businesses that provide a service to my restaurant charge me a percentage fee. I've seen these percentage fees continue to increase over the years, which results in companies having greater leverage over my business. I support the SLA's efforts to limit percentage fees taken if the company taking the fee is not listed on my liquor license.

Sincerely,
Josh Cohen



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Donohue, Thomas (SLA)

From: abc.sm.fbssupplemental
Sent: Tuesday, September 17, 2019 9:37 AM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Secretary's Office

New York State Liquor Authority

Alfred E. Smith Office Building, Suite 900
80 South Swan Street, Albany, NY 12210-8002
(518) 474-3114 | secretarys.office@sla.ny.gov
www.sla.ny.gov



From: Tom Selementi [REDACTED]
Sent: Tuesday, September 17, 2019 9:34 AM
To: abc.sm.fbssupplemental <fbssupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Re: SLA Third-Party Fees

Dear State Liquor Authority ,

I urge the State Liquor Authority to provide guidance to licensed establishments like mine, so we know what financial arrangement we can have with third-party companies. I believe limiting third-party fees to 10% is appropriate if the person or entity is not listed on my liquor license like actual partners in my business are required to be.

Sincerely,
Tom Selementi

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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Tuesday, September 17, 2019 9:36 AM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Secretary's Office

New York State Liquor Authority

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From: John Kastanis [REDACTED]
Sent: Monday, September 16, 2019 11:35 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

In today's business environment, more and more businesses that provide a service to my restaurant charge me a percentage fee. I've seen these percentage fees continue to increase over the years, which results in companies having greater leverage over my business. I support the SLA's efforts to limit percentage fees taken if the company taking the fee is not listed on my liquor license.

Sincerely,
John Kastanis



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Donohue, Thomas (SLA)

From: abc.sm.fbssupplemental
Sent: Tuesday, September 17, 2019 9:36 AM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Secretary's Office

New York State Liquor Authority

Alfred E. Smith Office Building, Suite 900
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www.sla.ny.gov



From: Manuel Colon [REDACTED]
Sent: Monday, September 16, 2019 10:40 PM
To: abc.sm.fbssupplemental <fbssupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Re: SLA Third-Party Fees

Dear State Liquor Authority ,

I operate a liquor-licensed establishment and would support the State Liquor Authority's efforts to limit third parties from taking more than 10% of a sale from my business. I am concerned about the growing percentage some companies take for their services and support the Authority's effort to reign in the business practices of certain companies.

Sincerely,
Manuel Colon



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Donohue, Thomas (SLA)

From: abc.sm.fbssupplemental
Sent: Tuesday, September 17, 2019 9:36 AM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Secretary's Office

New York State Liquor Authority

Alfred E. Smith Office Building, Suite 900
80 South Swan Street, Albany, NY 12210-8002
(518) 474-3114 | secretarys.office@sla.ny.gov
www.sla.ny.gov



From: Daniel Thomases [REDACTED]
Sent: Monday, September 16, 2019 8:37 PM
To: abc.sm.fbssupplemental <fbssupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

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Sincerely,
Daniel Thomases



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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Tuesday, September 17, 2019 9:35 AM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

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From: Sam O'Connor [REDACTED]
Sent: Monday, September 16, 2019 7:54 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

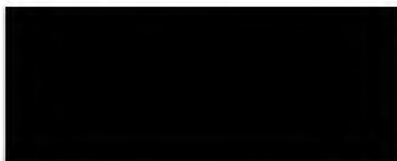
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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

In today's business environment, more and more businesses that provide a service to my restaurant charge me a percentage fee. I've seen these percentage fees continue to increase over the years, which results in companies having greater leverage over my business. I support the SLA's efforts to limit percentage fees taken if the company taking the fee is not listed on my liquor license.

Sincerely,
Sam O'Connor



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Donohue, Thomas (SLA)

From: abc.sm.fbssupplemental
Sent: Tuesday, September 17, 2019 9:35 AM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

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From: Andrew Schnipper [REDACTED]
Sent: Monday, September 16, 2019 7:09 PM
To: abc.sm.fbssupplemental <fbssupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

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Sincerely,
Andrew Schnipper



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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Tuesday, September 17, 2019 9:35 AM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Secretary's Office

New York State Liquor Authority

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From: sal esposito [REDACTED]
Sent: Monday, September 16, 2019 6:46 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Re: SLA Third-Party Fees

Dear State Liquor Authority ,

I operate a liquor-licensed establishment and would support the State Liquor Authority's efforts to limit third parties from taking more than 10% of a sale from my business. I am concerned about the growing percentage some companies take for their services and support the Authority's effort to reign in the business practices of certain companies.

Sincerely,
sal esposito



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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Tuesday, September 17, 2019 9:35 AM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Secretary's Office

New York State Liquor Authority

Alfred E. Smith Office Building, Suite 900
80 South Swan Street, Albany, NY 12210-8002
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www.sla.ny.gov



From: SUSANNAH KOTEEN [REDACTED]
Sent: Monday, September 16, 2019 6:39 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

In today's business environment, more and more businesses that provide a service to my restaurant charge me a percentage fee. I've seen these percentage fees continue to increase over the years, which results in companies having greater leverage over my business. I support the SLA's efforts to limit percentage fees taken if the company taking the fee is not listed on my liquor license.

Sincerely,
SUSANNAH KOTEEN



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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Tuesday, September 17, 2019 9:35 AM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

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From: Konstantino Phillippou [REDACTED]
Sent: Monday, September 16, 2019 6:11 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

I operate a liquor-licensed establishment and would support the State Liquor Authority's efforts to limit third parties from taking more than 10% of a sale from my business. I am concerned about the growing percentage some companies take for their services and support the Authority's effort to reign in the business practices of certain companies.

Sincerely,
Konstantino Phillippou



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Donohue, Thomas (SLA)

From: abc.sm.fbssupplemental
Sent: Tuesday, September 17, 2019 9:34 AM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

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Alfred E. Smith Office Building, Suite 900
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(518) 474-3114 | secretarys.office@sla.ny.gov
www.sla.ny.gov



From: The 13th Step [REDACTED]
Sent: Monday, September 16, 2019 5:51 PM
To: abc.sm.fbssupplemental <fbssupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

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Sincerely,
The 13th Step



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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Tuesday, September 17, 2019 9:34 AM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Secretary's Office

New York State Liquor Authority

Alfred E. Smith Office Building, Suite 900
80 South Swan Street, Albany, NY 12210-8002
(518) 474-3114 | secretarys.office@sla.ny.gov
www.sla.ny.gov



From: pat evangelista [REDACTED]
Sent: Monday, September 16, 2019 5:42 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

I operate a liquor-licensed establishment and would support the State Liquor Authority's efforts to limit third parties from taking more than 10% of a sale from my business. I am concerned about the growing percentage some companies take for their services and support the Authority's effort to reign in the business practices of certain companies.

Sincerely,
pat evangelista



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Donohue, Thomas (SLA)

From: abc.sm.fbssupplemental
Sent: Tuesday, September 17, 2019 9:34 AM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Secretary's Office

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Follow us  

From: Aristarchos Alexatos [REDACTED]
Sent: Monday, September 16, 2019 5:35 PM
To: abc.sm.fbssupplemental <fbssupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

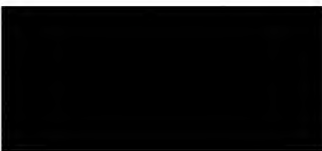
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Sincerely,
Aristarchos Alexatos



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Donohue, Thomas (SLA)

From: abc.sm.fbssupplemental
Sent: Tuesday, September 17, 2019 9:33 AM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Secretary's Office

New York State Liquor Authority

Alfred E. Smith Office Building, Suite 900
80 South Swan Street, Albany, NY 12210-8002
(518) 474-3114 | secretarys.office@sla.ny.gov
www.sla.ny.gov



Follow us

From: Christopher Irish [REDACTED]
Sent: Monday, September 16, 2019 5:06 PM
To: abc.sm.fbssupplemental <fbssupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

I urge the State Liquor Authority to provide guidance to licensed establishments like mine, so we know what financial arrangement we can have with third-party companies. I believe limiting third-party fees to 10% is appropriate if the person or entity is not listed on my liquor license like actual partners in my business are required to be.

Sincerely,
Christopher Irish



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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Tuesday, September 17, 2019 9:32 AM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Secretary's Office

New York State Liquor Authority

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From: Konrad Bolkun [REDACTED]
Sent: Tuesday, September 17, 2019 6:15 AM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

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Sincerely,
Konrad Bolkun



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Donohue, Thomas (SLA)

From: abc.sm.fbssupplemental
Sent: Tuesday, September 17, 2019 9:32 AM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

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Follow us

From: Corey Samuels [REDACTED]
Sent: Tuesday, September 17, 2019 6:47 AM
To: abc.sm.fbssupplemental <fbssupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

I urge the State Liquor Authority to provide guidance to licensed establishments like mine, so we know what financial arrangement we can have with third-party companies. I believe limiting third-party fees to 10% is appropriate if the person or entity is not listed on my liquor license like actual partners in my business are required to be.

Sincerely,
Corey Samuels



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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Tuesday, September 17, 2019 9:31 AM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

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From: John Dancu [REDACTED]
Sent: Tuesday, September 17, 2019 7:47 AM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Re: SLA Third-Party Fees

Dear State Liquor Authority ,

In today's business environment, more and more businesses that provide a service to my restaurant charge me a percentage fee. I've seen these percentage fees continue to increase over the years, which results in companies having greater leverage over my business. I support the SLA's efforts to limit percentage fees taken if the company taking the fee is not listed on my liquor license.

Sincerely,
John Dancu



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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Tuesday, September 17, 2019 9:31 AM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

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From: Tony DAiuto [REDACTED]
Sent: Tuesday, September 17, 2019 7:57 AM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Re: SLA Third-Party Fees

Dear State Liquor Authority ,

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Sincerely,
Tony DAiuto



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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Tuesday, September 17, 2019 9:31 AM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Secretary's Office

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From: laura O'Neill [REDACTED]
Sent: Tuesday, September 17, 2019 9:00 AM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

I urge the State Liquor Authority to provide guidance to licensed establishments like mine, so we know what financial arrangement we can have with third-party companies. I believe limiting third-party fees to 10% is appropriate if the person or entity is not listed on my liquor license like actual partners in my business are required to be.

Sincerely,
laura O'Neill



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Donohue, Thomas (SLA)

From: abc.sm.fbssupplemental
Sent: Monday, September 16, 2019 4:44 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

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From: Angela Krevey [REDACTED]
Sent: Monday, September 16, 2019 4:15 PM
To: abc.sm.fbssupplemental <fbssupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

I urge the State Liquor Authority to provide guidance to licensed establishments like mine, so we know what financial arrangement we can have with third-party companies. I believe limiting third-party fees to 10% is appropriate if the person or entity is not listed on my liquor license like actual partners in my business are required to be.

Sincerely,
Angela Krevey



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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Monday, September 16, 2019 4:43 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

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From: patrick gioannini [REDACTED]
Sent: Monday, September 16, 2019 4:01 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

I operate a liquor-licensed establishment and would support the State Liquor Authority's efforts to limit third parties from taking more than 10% of a sale from my business. I am concerned about the growing percentage some companies take for their services and support the Authority's effort to reign in the business practices of certain companies.

Sincerely,

Patrick Gioannini

Sincerely,

patrick gioannini
[REDACTED]

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Donohue, Thomas (SLA)

From: abc.sm.fbssupplemental
Sent: Monday, September 16, 2019 4:43 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

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From: Andreas Koutsoudakis [REDACTED]
Sent: Monday, September 16, 2019 4:00 PM
To: abc.sm.fbssupplemental <fbssupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Sincerely,
Andreas Koutsoudakis



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Donohue, Thomas (SLA)

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Sent: Monday, September 16, 2019 4:43 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

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From: Cobi Levy [REDACTED]
Sent: Monday, September 16, 2019 3:48 PM
To: abc.sm.fbssupplemental <fbssupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Dear State Liquor Authority ,

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Sincerely,
Cobi Levy



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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Monday, September 16, 2019 4:43 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

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From: Robin Wertheimer [REDACTED]
Sent: Monday, September 16, 2019 3:44 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

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Sincerely,
Robin Wertheimer



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Donohue, Thomas (SLA)

From: abc.sm.fbssupplemental
Sent: Monday, September 16, 2019 4:43 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

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From: Stewart Rosen [REDACTED]
Sent: Monday, September 16, 2019 3:43 PM
To: abc.sm.fbssupplemental <fbssupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

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Sincerely,
Stewart Rosen



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Donohue, Thomas (SLA)

From: abc.sm.fbssupplemental
Sent: Monday, September 16, 2019 4:43 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

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www.sla.ny.gov



From: Ernest Gonzalez [REDACTED]
Sent: Monday, September 16, 2019 3:33 PM
To: abc.sm.fbssupplemental <fbssupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

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Sincerely,
Ernest Gonzalez



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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Monday, September 16, 2019 1:15 PM
To: Donohue, Thomas (SLA)
Subject: FW: Assemblyman Doug Smith - Newly Proposed SLA Regulation Comment
Attachments: GrubHubSLALetter.pdf

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From: Assemblyman Doug Smith <smithd@nyassembly.gov>
Sent: Monday, September 16, 2019 1:13 PM
To: Bradley, Vincent (SLA) <Vincent.Bradley@sla.ny.gov>
Cc: lily.ford@sla.ny.gov; Ford, Greeley T (SLA) <Greeley.Ford@sla.ny.gov>; DesRosiers, Jill (CHAMBER) <Jill.DesRosiers@exec.ny.gov>; DeRosa, Melissa (CHAMBER) <Melissa.DeRosa@exec.ny.gov>; abc.sm.fbsupplemental@sla.ny.gov
Subject: Assemblyman Doug Smith - Newly Proposed SLA Regulation Comment

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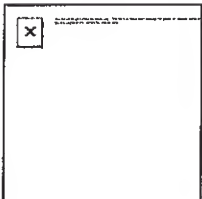
Dear Chairman Bradley,

Please find the attached letter with respect to a newly proposed SLA regulation.

Thank you.

Respectfully,

Doug



Douglas M. Smith
NY State Assemblyman

991 Main St, Suite 202, Holbrook NY 11741
Phone: 631.585.0230 Fax: 631.585.0310

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

DOUGLAS M. SMITH
Assemblyman 5th District



RANKING MINORITY MEMBER
Higher Education

COMMITTEES
Aging
Banks
Energy
Housing

September 16, 2019

Chairman Vincent G. Bradley
New York State Liquor Authority
80 S Swan Street, Suite 900 AESOB
Albany, New York 12210

Dear Chairman Bradley,

Restaurant owners face many challenges every day when it comes to running a successful business. They face regulations from municipalities and the state, rising rental costs, competition, and a number of other issues that make it difficult just to turn a profit. The New York State Liquor Authority (SLA) is now proposing adding another layer of regulation that could take away an entire revenue stream that restaurant owners depend on -- revenue they generate from popular online and smartphone app-based food delivery services like Grubhub, Door Dash, Uber Eats, and others.

Over the past several months, we have been hearing more and more about how some app companies have hidden fees, fraudulent phone charges, and a lack of transparency in their dealings with restaurants. All of these issues can chip away at a restaurant's bottom line and make it more difficult just to get by, and they should be addressed. However, there is a right way and a wrong way to try and help small businesses, and what we're seeing from the SLA is decidedly the wrong approach. Last month, the SLA released new rules in an apparent attempt to even the playing field for small business owners, but this method doesn't actually solve any of those problems mentioned before, and creates a whole new set of regulations for restaurant owners to contend with in their day to day businesses.

The new rule that the SLA is proposing essentially caps fees on third parties to 10% of profits from any sale by an establishment with a liquor license, even "excluding the sale of alcohol." This drastic reduction in fees will force third party delivery companies to remove restaurants with liquor licenses from their platform, as that amount is too small to cover any of the services they provide including: delivery partners, marketing, logistical support, etc.

If these restaurants wanted to give a larger percentage (above the 10%) to delivery partners in order to remain in partnership, they would be forced to add the delivery companies to their liquor license. This creates a number of problems, as app companies would now be held liable for

September 16, 2019
New York State Liquor Authority
Page 2

establishments over which they have no control and would also eliminate any choice and flexibility that the restaurants currently have when choosing which app company to partner with for delivery services. This is not a good option for the delivery company or the restaurant, and it's safe to say it's not actually a viable option at all.

On behalf of my district, I would respectfully request that the New York State Liquor Authority take pause and consider what is at stake for small businesses all across the state. Removing flexibility over a valuable revenue stream will ultimately hurt restaurants is the wrong approach and will do nothing to address the real issue around transparency with respect to these online and app-based companies.

Respectfully,

A handwritten signature in black ink, appearing to read "Douglas M. Smith". The signature is fluid and cursive, with the first name "Douglas" being the most prominent.

Douglas M. Smith
Member of Assembly

Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Monday, September 16, 2019 1:14 PM
To: Donohue, Thomas (SLA)
Subject: FW: Proposed SLA advisory re: third party agreements will hurt small businesses

Secretary's Office

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-----Original Message-----

From: goston kaye [REDACTED]
Sent: Monday, September 16, 2019 12:20 PM
To: biaggi@nysenate.gov; abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: Proposed SLA advisory re: third party agreements will hurt small businesses

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

My name is Konstantinos Koufalis and I am the owner of Bedford Cafe and Restaurant Jerome Park in The Bronx/New York.

I depend on the revenue that food delivery apps bring in for my restaurant every week. Because of the new rules proposed by the SLA on August 12, there is a strong likelihood that delivery app companies will no longer partner with my restaurant, which would hurt our business. This is another example of over-regulation by Albany at the expense of small business owners.

Please do not approve the proposed advisory, which creates additional regulations for small businesses with liquor licenses and how they interact with third parties.

Thank you,

Konstantinos Koufalis

Donohue, Thomas (SLA)

From: abc.sm.fbssupplemental
Sent: Friday, September 13, 2019 2:52 PM
To: Donohue, Thomas (SLA)
Subject: FW: Proposed SLA advisory re: third party agreements will hurt small businesses

Secretary's Office

New York State Liquor Authority

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From: Anthony Desio [REDACTED]
Sent: Friday, September 13, 2019 2:51 PM
To: thomas@nysenate.gov; abc.sm.fbssupplemental@sla.ny.gov
Subject: Proposed SLA advisory re: third party agreements will hurt small businesses

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

My name is Anthony Desio and I am the Manager of Raxx Pool Room, Sports Bar and Grill in West Hempstead, New York.

I depend on the revenue that food delivery apps bring in for my restaurant every week. Because of the new rules proposed by the SLA on August 12, there is a strong likelihood that delivery app companies will no longer partner with my restaurant, which would hurt our business. This is another example of over regulation by Albany at the expense of small business owners.

Please do not approve the proposed advisory, which creates additional regulations for small businesses with liquor licenses and how they interact with third parties.

Thank you,

Anthony Desio

Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Friday, September 13, 2019 1:25 PM
To: Donohue, Thomas (SLA)
Subject: FW:
Attachments: ESRTA Comments on Draft Advisory on Third Party Agreements.pdf

From: Scott Wexler [REDACTED]
Sent: Friday, September 13, 2019 1:23 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject:

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Comments from the Empire State Restaurant & Tavern Association attached

Empire State Restaurant & Tavern Association

12 Sheridan Avenue
Albany, NY 12207
Web Site www.esrta.org
Brad Dixon, *President*

518-436-8121
Fax 518-436-7287
E-mail esrta@verizon.net
Scott Wexler, *Executive Director*

Chairman Bradley
Commissioners Fan and Ford
New York State Liquor Authority
80 S. Swan Street
Suite 900
Albany, New York 12207

September 12, 2019

Members of the Authority:

I'm writing on behalf of the members of the Empire State Restaurant & Tavern Association to offer our comments on the Authority's draft advisory regarding third party agreements. The Association has represented independent restaurants, taverns, and other on-premises licensees throughout New York State since 1934.

Let me start by expressing our appreciation to you for drafting this advisory and for providing us with the opportunity to participate in your deliberations about it. One of our top priorities is to provide our members with the information they need in order to comply with the laws, rules, regulations and expectations of the various agencies that oversee their operations. Your decision to provide guidance to the industry on new issues that have come to your attention and to provide a process for feedback by all stakeholders is of tremendous value to our members. We much prefer this process, even if we don't agree with the final guidance issued, than the alternative where our members are cited for violations they weren't aware of.

This is only the latest example of this administration's commitment to working with licensees to assist them to comply with the law. You've been quite responsive to the industry's requests for guidance on issues as they emerge, you've made presentations at numerous industry meetings, your website includes extensive resources for licensees, and you've partnered with our Association to provide free training to thousands of owners, managers and servers of restaurants and taverns across New York State. These efforts demonstrate your understanding and commitment to supporting licensees who want to voluntarily comply with the law.

Drink Responsibly.
Drive Responsibly.

We support the adoption of this advisory, but as we explain in more detail below, we have some suggestions for clarification and modification. This advisory makes sense because one of the most important elements of the licensing process is to review those entities with a financial interest in the applicant in order to ensure that all licensees are compliant with the alcoholic beverage control law's eligibility requirements. Allowing an undisclosed and unapproved entity to have a financial interest in a licensed premises is considered one of the most serious SLA violations because of the significance of these statutory requirements. With the continued growth of third party agreements by licensees with a fee based on a share of the sale, it makes sense for you to make clear what the rules are so licensees don't enter into agreements that put their license in jeopardy.

The draft advisory proposes to establish the standard for all third party agreements based on the long-standing approach taken towards lease agreements. This is logical, sensible, and fair. I'm not aware of any provision in the statute that would allow a different standard for one type of third party from another so if a lease providing more than 10 percent of total sales (20 percent under certain circumstances) requires disclosure and approval by the Authority, then other third party agreements should be treated similarly. So we applaud the Authority for putting forth this proposal and we embrace it in concept - however we see several provisions that need further clarification and modification before final enactment:

"Profit" vs "Sale" or "Revenue" - the draft advisory states that the Authority has allowed a lease entitling the landlord to a percentage of the profits from the tenant's licensed business without adding the landlord to the license provided the percentage does not exceed 10% (or 20% in certain circumstances) of gross profits, but this is not the rule as we understand it. The rule, as we know it, has been to limit the percentage to 10% (or 20% in certain circumstances) of gross sales or gross revenue. There's a big difference - 10% of profits is by definition substantially lower than 10% of sales/revenue. If this draft advisory were adopted using "profits" instead of "sales" or "revenue" it's likely a large number of leases would be in conflict with the new standard. We believe using the term "revenue" or "sales" is the correct standard and urge the advisory to be revised accordingly.

Scope of Agreements - the draft advisory is unclear as to the scope of the agreements to which this 10% rule applies (whether you use profits or sales/revenue). For example, lease agreements that require licensees to pay 10% of all restaurant sales in lease payments have been deemed by the Authority not to establish a financial interest in the licensed premises. On the other hand, some of the agreements referenced in the advisory typically require payment on a portion of the licensee's business - not all sales. Some examples:

- A licensee may contract with a promoter and agree to pay a fee that's 25% of the sales subject to the promotion
- A licensee may contract with a band and agree to pay the band 100% of the entrance fees paid by patrons

- A licensee may contract with a coin machine operator to pay them 50% of the revenue from the devices they place in the licensed premises
- A licensee may contract with a third party delivery service to pay them 30% of the revenue from sales sold through the third party platform

The advisory can be read so that all of these examples would require the third party to be viewed as having a financial interest in the licensee, but each of these examples would typically provide the third party with a smaller interest in the licensed premises than providing a landlord 10% of all sales/revenue. A restaurant with \$1 million in total annual sales paying a landlord rent equaling 10% of total sales would make a \$100,000 rent payment. The same restaurant paying a coin machine operator a 50% fee on \$10,000 in sales from their juke box and video games would make a \$5,000 payment for leasing these devices. If that same restaurant had \$150,000 of its sales through a third party delivery platform and paid a 30% fee they would pay \$45,000 in fees.

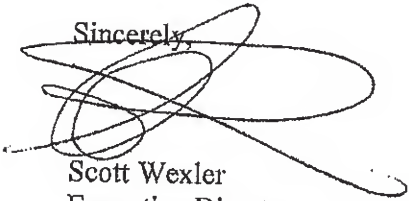
If the advisory applies the 10% rule to all agreements, regardless of the scope of the application of the fee, then the third parties in the examples above would need to be added to the liquor license even though they would have an actual interest in the licensee less than the landlord who is not subject to this requirement. This potential inconsistency should be cleared up so that the standard is paying a fee no more than 10% of total restaurant sales (or revenue or profits), regardless of the terms of the actual agreement.

In other words, an agreement to pay a coin machine operator a 50% fee or pay a third party delivery platform a 30% fee (as described in the examples above) should not require the third party to be viewed as having a financial interest in the licensed premises merely because the percentage stated in the agreement exceeds 10 percent. In our view, consistency requires that total interest in the licensed premises – not the percentage stated in the agreement – should determine whether a financial interest has been established. As those examples illustrate, for agreements that are based on only a portion of sales, the actual financial interest a third party has in the licensed premise requires looking at the net effect of the percentage in the agreement multiplied by the sales subject to the agreement. If the total paid to the third party exceeds 10% of total sales then a financial interest in the licensee has been established – and if it's 10% or less than it has not.

We recognize that at first blush this may seem impractical. How will you know what the actual interest is for an agreement where the percentage is higher than 10% but the scope is less than all sales? We believe it would be reasonable to require an applicant or licensee with such an agreement to demonstrate that the total paid under the agreement will result in less than 10% of all sales. In addition, the records related to the payment of fees to such third parties are subject to examination and inspection by the Authority so it will be rather simple for you verify that the agreement actually results in a financial interest no more than 10% of all sales. There may be other means to monitor this and we're open to further discussion, but it seems essential that any such advisory be legally consistent and logical even in the face of practical challenges.

These are new issues that you're addressing and so they require thoughtful deliberation. We commend your decision to develop a draft advisory and to seek feedback from all stakeholders. We hope you value our input and respond positively to our suggestions. Please let me know if you need any clarification of these comments or if you would any additional information to assist you in consideration of the draft advisory.

Sincerely,



Scott Wexler
Executive Director

Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Thursday, September 12, 2019 3:22 PM
To: Donohue, Thomas (SLA)
Subject: FW: Proposed SLA advisory re: third party agreements will hurt small businesses

Follow Up Flag: Flag for follow up
Flag Status: Completed

Secretary's Office

New York State Liquor Authority

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From: vincent [REDACTED]
Sent: Thursday, September 12, 2019 3:06 PM
To: ranz@nysenate.gov; abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: Proposed SLA advisory re: third party agreements will hurt small businesses

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

My name is Vincent Lesh and I am the operator of Anchor Bar in Buffalo, New York. I depend on the revenue that food delivery apps bring in for my restaurant every week. Because of the new rules proposed by the SLA on August 12, there is a strong likelihood that delivery app companies will no longer partner with my restaurant, which would hurt our business. This is another example of over regulation by Albany at the expense of small business owners. Please do not approve the proposed advisory, which creates additional regulations for small businesses with liquor licenses and how they interact with third parties. Thank you, Vincent Lesh

Vincent Lesh



om

Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Thursday, September 12, 2019 3:22 PM
To: Donohue, Thomas (SLA)
Subject: FW: Proposed SLA advisory re: third party agreements will hurt small businesses

Follow Up Flag: Flag for follow up
Flag Status: Completed

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From: Tiana James [REDACTED]
Sent: Thursday, September 12, 2019 2:58 PM
To: ranz@nysenate.gov; abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: Proposed SLA advisory re: third party agreements will hurt small businesses

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

My name is Vincent Lesh and I am the owner of Anchor Bar in Amherst City/New York.

I depend on the revenue that food delivery apps bring in for my restaurant every week. Because of the new rules proposed by the SLA on August 12, there is a strong likelihood that delivery app companies will no longer partner with my restaurant, which would hurt our business. This is another example of over regulation by Albany at the expense of small business owners.

Please do not approve the proposed advisory, which creates additional regulations for small businesses with liquor licenses and how they interact with third parties.

Thank you,

Vincent Lesh

■

Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Thursday, September 12, 2019 2:13 PM
To: Donohue, Thomas (SLA)
Subject: FW: Letter
Attachments: Letter to Liquor Authority.pdf

Secretary's Office

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www.sla.ny.gov



From: Assemblyman Montesano <montesm@assembly.state.ny.us>
Sent: Thursday, September 12, 2019 2:09 PM
To: Bradley, Vincent (SLA) <Vincent.Bradley@sla.ny.gov>; lily.ford@sla.ny.gov; Ford, Greeley T (SLA) <Greeley.Ford@sla.ny.gov>; DesRosiers, Jill (CHAMBER) <Jill.DesRosiers@exec.ny.gov>; DeRosa, Melissa (CHAMBER) <Melissa.DeRosa@exec.ny.gov>; abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: Letter

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Attached, please find a letter from Assemblyman Michael Montesano.

Thank you,
A.M. Montesano's Office



MICHAEL A. MONTESANO
Assemblyman 15th District
Nassau County

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIRMAN
Minority Program Committee

COMMITTEES
Judiciary
Ways & Means

Corporations, Authorities &
Commissions

Codes

Ethics & Guidance
Committee on Oversight, Analysis
& Investigation

New York State Liquor Authority
80 S Swan St # 900
Albany, NY 12210

September 12, 2019

Dear Commissioners,

I am Assemblyman Michael A. Montesano and I represent the 15th Assembly District. I'm writing to pass along my concerns and the concerns of restaurants in my district, about the impact the rules you've proposed for delivery apps. I understand this is a complicated issue, and value your interest in protecting small business, but this proposal is not the way to do that.

Under your proposal, delivery apps would find it either financially impossible, or a bureaucratic nightmare, to work with restaurants that have a liquor license. It's likely that most delivery apps would opt to just not work with restaurants with liquor license. What that means is that restaurants will have to pick between delivery or a liquor license. I agree that delivery apps have significant flaws, and have created an unfair system for restaurants. However, they represent an important revenue stream for struggling small businesses.

The solution you've proposed does nothing to end hidden fees, unfair tipping practices or confusing contracts. Instead it forces restaurants into a take it or leave scenario where the winners are large chains like McDonalds that don't need a liquor license to survive. We need solutions that work for small businesses not against them.

I'm urging you to table this proposed rule and really listen to the feedback from restaurants across the state, not just in New York City. I believe there are better ways forward and I hope you'll dive deeper to explore how to best help small restaurants. I appreciate your concern for my feedback.

Sincerely,

Michael A. Montesano
Member of the Assembly
15th District

Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Thursday, September 12, 2019 1:20 PM
To: Donohue, Thomas (SLA)
Subject: FW: Proposed Advisory on 3rd Party agreements

Secretary's Office

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-----Original Message-----

From: Charles Vigilante [REDACTED]
Sent: Thursday, September 12, 2019 1:14 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: Proposed Advisory on 3rd Party agreements

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Members of the Authority,

I ask that you include direction on who is legally allowed to deliver alcoholic beverages in your advisory on 3rd party agreements. These two matters are tied closely together and under the current law it would appear that delivery by a 3rd party is illegal. Yet companies like Postmates, DoorDash, Uber etc. are currently making deliveries of alcohol on behalf of licensees. I think this is a very dangerous practice and should be stopped immediately. Allowing this to continue is opening the flood gates for other companies to begin transporting alcohol throughout the state without having or being on a liquor license. This is bad for small business as a large corporation could come in and dominate this market which would hurt thousands of individual licensees. There is also the liability issue of putting liquor into the hands of untrained delivery people who are more concerned about making money from tips than the proper responsibility of delivering alcohol.

I ask the Authority to consider clarifying the current laws relating to alcohol delivery and believe it would be in the best interest of the Authority and all Licensees to only allow deliveries of alcohol by direct employees of licensed establishments.

Thank you,

Charles
Hamilton Wine House

Donohue, Thomas (SLA)

From: Bradley, Vincent (SLA)
Sent: Thursday, September 12, 2019 1:13 PM
To: Donohue, Thomas (SLA); Kabir, Sharif (SLA)
Subject: Fwd: Letter of Support
Attachments: SLA September 2019.pdf; ATT00001.htm

Actually not support but rather objection letter

Sent from my iPhone

Begin forwarded message:

From: "Assemblyman Cliff Crouch" <crouchc@assembly.state.ny.us>
Date: September 12, 2019 at 12:22:28 PM EDT
To: <vincent.bradley@sla.ny.gov>
Subject: Letter of Support

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Mr. Bradley:

Attached I am submitting my letter of support regarding the New York State Liquor Authority consideration of imposing a new set of regulations against small businesses with liquor licenses that would change the way they partner with third party delivery companies. Thank you for taking the time to read my comments.

Sincerely,
Cliff

Hon. Clifford W. Crouch
Member of Assembly
122nd District

District Office:
1 Kattleville Road
Suite 1
Binghamton, New York 13901
Office (607) 648-6080
Fax (607) 648-6089

Albany Office:
Legislative Office Building
Room 450
Albany, New York 12248
Office (518) 455-5741
Fax (518) 455-5864

Email: crouchc@nyassembly.gov



CLIFFORD W. CROUCH
Assemblyman 122nd District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Minority Conference

COMMITTEES
Agriculture
Economic Development, Job Creation,
Commerce and Industry
Ways and Means
Rules

September 12, 2019

New York State Liquor Authority
80 S Swan St # 900
Albany, New York 12210

Dear Commissioners:

I would like to take this opportunity to provide my public comment on the State Liquor Authority's proposed rules which would regulate businesses with liquor licenses. I am concerned for these rules, as I believe that they will create undue burdens on small businesses all across New York.

While I believe you drafted these rules with a goal of helping small businesses, this language is too strong and will ultimately cause third party partners to cease doing business with licensed restaurants, consequently hurting them more than it would help. Your alternative is for third parties to join onto liquor licenses, which would create more burdens for restaurant owners, and also create unwanted liability for the third parties which have no control over restaurant operations and would not want to be placed in that position.

As a State Representative, I urge you to consider altering the proposed rules to only cap commissions on sales of alcohol, which would be reasonable for all parties and in line with rules the SLA has previously passed. I believe that by doing this, you will create a smart regulation that will help small businesses around the state without negatively affecting how they do business with third parties. I thank you in advance for your time and consideration to my request.

Sincerely,

Clifford W. Crouch
Member of Assembly
122nd District

Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Thursday, September 12, 2019 9:32 AM
To: Donohue, Thomas (SLA)
Subject: FW: Proposed SLA advisory re: third party agreements will hurt small businesses

Secretary's Office

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-----Original Message-----

From: rubby Hernandez [REDACTED]
Sent: Wednesday, September 11, 2019 9:28 PM
To: gaughran@nyenate.gov; [abc.sm.fbsupplemental](mailto:abc.sm.fbsupplemental@sla.ny.gov) <fbsupplemental@sla.ny.gov>
Subject: Proposed SLA advisory re: third party agreements will hurt small businesses

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

My name is Rudy Hernandez and I am the owner of the El Parral Restaurant in Syosset, New York.

I depend on the revenue that food delivery apps bring in for my restaurant every week. Because of the new rules proposed by the SLA on August 12, there is a strong likelihood that delivery app companies will no longer partner with my restaurant, which would hurt our business. This is another example of over regulation by Albany at the expense of small business owners.

Please do not approve the proposed advisory, which creates additional regulations for small businesses with liquor licenses and how they interact with third parties.

Thank you,

Rudy Hernandez

Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Monday, September 09, 2019 1:52 PM
To: Donohue, Thomas (SLA)
Subject: FW: Proposed SLA advisory re: third party agreements will hurt small businesses

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From: sales@royalpalacecuisines.com <sales@royalpalacecuisines.com>
Sent: Monday, September 09, 2019 1:51 PM
To: scousins@nysenate.gov; abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: Proposed SLA advisory re: third party agreements will hurt small businesses

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

My name is Kbhi Mitter and I am the owner of the Royal Palace Restaurant in White Plains, New York. I depend on the revenue that food delivery apps bring in for my restaurant every week. Because of the new rules proposed by the SLA on August 12, there is a strong likelihood that delivery app companies will no longer partner with my restaurant, which would hurt our business. This is another example of over regulation by Albany at the expense of small business owners. Please do not approve the proposed advisory, which creates additional regulations for small businesses with liquor licenses and how they interact with third parties. Thank you, Kbhi M

Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Friday, September 06, 2019 2:26 PM
To: Donohue, Thomas (SLA)
Subject: FW: Tech:NYC Comments -- SLA Proposed Advisory on 3rd Party
Attachments: Tech_NYC Comments - NYSLA— Proposed Advisory on 3rd party agreements.pdf

From: Zachary Hecht [REDACTED]
Sent: Friday, September 06, 2019 2:24 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: Tech:NYC Comments -- SLA Proposed Advisory on 3rd Party

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Hello:

Please see attached for Tech:NYC's comments on the proposed advisory.

Thank you.

--

Zachary Hecht
Policy Director
Tech:NYC



September 6, 2019

New York State Liquor Authority

Re: Proposed Advisory on third party agreements

Tech:NYC is a nonprofit association with the mission of supporting the technology industry in New York through increased engagement between our more than 750 members, New York government, and the community at large. Tech:NYC works everyday to foster a dynamic, diverse, and creative ecosystem; ensuring New York is the best place to start and grow a technology company, and that New Yorkers benefit from the resulting innovation.

Tech:NYC has serious concerns about the proposed advisory on third party agreements, as it would negatively impact a number of New York City businesses, impede innovation, and undermine a set of services countless New Yorkers rely upon. Moreover, it is unclear what positive public policy outcomes the advisory would produce.

Over the past several years, a number of technology companies have developed innovative platforms that connect New Yorkers with local restaurants and stores. These platforms allow New Yorkers to easily search for local restaurants and order food/beverages for pickup and/or delivery. These services greatly benefit New Yorkers— whether they are a busy parent who is ordering dinner for their family, an individual with limited mobility, or just a New Yorker in search of a good meal.

Additionally, a number of local businesses rely upon these platforms to connect with customers, to streamline their ordering, and to deliver their products. For these capabilities, technology platforms charge a range of fees — often anywhere from 10 to 30 percent per order. In examining these fees, it is important to consider that there are a wide array of platforms, offering a wide array of services, and restaurants choose from a suite of capabilities/services. The more capabilities a restaurant chooses, the higher the cost.

The proposed advisory could completely undermine the current food delivery model and severely limit the platforms' ability to operate, as well as restaurants' ability to connect with customers. The impact the advisory would have is extensive, yet the regulatory structure the advisory sets out is both unclear and unworkable.

One fundamental issue with the advisory is the seemingly interchangeable usage of the words "profit" and "monetary value of sales," which are two distinct measures. In the advisory it is also unclear what "profit" is referring to; does the advisory intend it to be

profit per sale, per day, per month, etc.? If profit is referring to daily, monthly, or yearly sales, it would be unreasonable to ask third parties to tailor their fees to projected licensee sales. If profit is referring to per sale, it would be unrealistic for platforms to partner with restaurants, due to the actual cost of their services and low margins on food.

Further, it is unclear whether the advisory is targeted at the sale of alcoholic beverages or all of the sales by licensed establishments (i.e. food). If the advisory is attempting to cap fees to 10 percent on all sales (monetary value or profit), then platforms would likely be unable to offer restaurants certain services. Moreover, any effort by SLA to regulate the sale of non-alcoholic items seems to exceed the scope of its mandate and the intent of the Alcoholic Beverage Control law.

Lastly, the advisory's mandate for third parties (with fees exceeding 10 percent) to be included on individual liquor licenses is infeasible. These platforms help facilitate many restaurants' sales, and asking platforms to apply to be added on hundreds or even thousands of liquor licenses is unworkable. Restaurants would also have their options limited and would be forced to apply for new licenses whenever deciding to partner with a new technology platform.

We respectfully ask the SLA to reconsider this advisory, and to either issue a new, clearer advisory with a statement of purpose or to continue operating under the current model.

Donohue, Thomas (SLA)

From: abc.sm.fbssupplemental
Sent: Friday, September 06, 2019 12:32 PM
To: Donohue, Thomas (SLA)
Subject: FW: Advisory on 3rd party agreements with licensees

Categories: Training/presentation

Secretary's Office

New York State Liquor Authority

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From: cgardy [REDACTED]
Sent: Thursday, September 05, 2019 2:11 PM
To: abc.sm.fbssupplemental <fbssupplemental@sla.ny.gov>
Subject: Advisory on 3rd party agreements with licensees

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

This is a public comment on the **Advisory on 3rd party agreements with licensees** .

I am against this proposal. As I understand this proposal, companies such as grubhub or doordash would have to be on the liquor license depending on the amount of or percentage of the purchase price they charge for the delivery services. This means that if doordash were to provide the services of 1,500 restaurants in NY to their customers and 10 of those restaurants have liquor licenses, then doordash would be deemed on those 10 restaurants to be a participant that would have to be on the liquor license. I find that to be absurd and ridiculous.

The result will not be increased regulation of any entity, it will mean that restaurants will not be able to offer delivery through the most convenient services to their customers and they will then lose business.

These delivery companies are not in the alcohol business. They are in the delivery business. To ask them to go through the process and procedure of getting onto potentially hundreds or thousands of liquor licenses is intrusive and an abuse of the governmental process. No sane person can actually think that this is a good idea. There is clearly a lobbying group that is pushing this idea. Nobody who wants to increase the satisfaction of New Yorkers can possibly think this is a good idea. I highly suggest that

the NYS Attorney General look into this matter to determine who on the commission might be accepting bribes related to this regulation. Bribery is the only possible reason that one might want to do it.

I also suggest that the regulators suggesting this idea leave the government immediately. You clearly have lost your minds. It also shows that you are bored and have nothing else to do. As a taxpayer, it hurts to think that my thousand of dollars of taxes paid each year to NYS are being paid to regulators that would come up with such a dumb idea.

Craig Gardy



Donohue, Thomas (SLA)

From: abc.sm.fbssupplemental
Sent: Thursday, September 05, 2019 12:17 PM
To: Donohue, Thomas (SLA)
Subject: FW: Advisory on Third-Party Agreements

Categories: Training/presentation

Secretary's Office

New York State Liquor Authority

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From: Maston Sansom [REDACTED]
Sent: Thursday, September 05, 2019 12:16 PM
To: abc.sm.fbssupplemental <fbssupplemental@sla.ny.gov>
Subject: Advisory on Third-Party Agreements

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Good afternoon-

I would like to respectfully submit the following inquiry for guidance and consideration as it relates to the proposed Advisory on third-party agreements.

A restaurant licensee would like to feature iPads at their location that link directly to the website of an unaffiliated liquor store to allow customers to place orders of wine and spirits. The liquor store would ship the alcohol directly to the customers. The restaurant would not receive any revenue from the transactions. The ability to order from the iPads would simply be an amenity for customers at the restaurant. Would this be permissible?

Thank you,

Maston

Maston J. Sansom | Partner



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Statement of Confidentiality

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From: John Olsen [REDACTED]
Sent: Wednesday, August 28, 2019 9:24 AM
To: abc.sm.fbsupplemental
Subject: Draft Advisory 2019-016998
Attachments: IA Letter Re SLA Draft Advisory.pdf

Follow Up Flag: Follow up
Flag Status: Completed

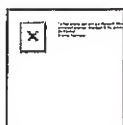
Categories: Training/presentation

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Good morning,

Please find attached a letter addressing concerns with the proposed Draft Advisory regarding third party app-based delivery services.

Regards,



John Olsen

Director, State Government Affairs Northeast Region

O: [518-242-7828](tel:518-242-7828)

olsen@internetassociation.org

INTERNET ASSOCIATION

111 Washington Ave Suite 602, Albany, NY 12210



August 28, 2019

Vincent G. Bradley, Chair
NYS Liquor Authority
80 S Swan St, # 900
Albany, NY 12210

RE: Opposition to SLA Draft Advisory 2019-016998

Dear Chairman Bradley:

Internet Association's mission is to foster innovation, promote economic growth, and empower people through the free and open internet. The internet creates unprecedented benefits for society, and as the voice of the world's leading internet companies, we ensure stakeholders understand these benefits.

IA respectfully opposes the draft advisory under consideration by the State Liquor Authority (SLA) regarding the business relationships between New York restaurants and e-commerce platforms. Specifically, the advisory proposes to require the inclusion of any platform on a business partner's liquor license if that platform generates revenue in the form of commissions and consumer fees in excess of 10 percent of the restaurant's profits.

IA supports reasonable regulations designed to allow small businesses to flourish, and the e-commerce platforms we represent pride themselves on helping these businesses compete in the digital age. On-demand delivery platforms have enabled brick-and-mortar businesses across the country to see significant growth in reach and compete against larger online retailers. However, the draft advisory would have the opposite effect, cutting off restaurants across the state from the significant new revenue they are able to generate through delivery.

The SLA's proposed rule purports to restrict the revenues an e-commerce platform can generate to 10 percent of the restaurant's profits, but that standard would be impossible to administer, would require restaurant owners to report their profits at regular intervals, and would make delivery uneconomical. For example, take an order with a \$20 subtotal (whether it includes alcohol or not). If the restaurant generates a 60 percent profit on that order, its profits would be \$12. If the 10 percent proposed cap were applied on a per-order basis, the e-commerce platform would be limited to taking \$1.20 on that order, including consumer fees and commissions. That would be insufficient to cover the platform's own costs, let alone the cost of delivery. Similarly, if the ten percent proposed cap were applied on a monthly basis, the restaurant would have to disclose its profits for that period to the platform. Only then could the platform and the



restaurant determine the total amount that the platform can retain in fees and commission.

This cap would substantially curtail the ability for restaurants and third-party delivery platforms to tailor agreements to their needs. While some agreements provide for just delivery integration, many services enable offerings as varied as seasonal stocking of inventory; pricing and price elasticity experimentation; data analytics of sales rates, gross merchandise volume, and trends that can buoy critical business decisions; and marketing & digital campaigns that promote brand awareness. As a result of these offerings, restaurants have been able to scale up their businesses and open new locations or expand beyond their brick and mortar footprint.

If the 10 percent cap is exceeded, the restaurant would be required to include the platform on its business license. That requirement would open a platform company up to liabilities incurred for violating that license, regardless of whether the delivery platform was at fault. Further, New York businesses likely do not want out-of-state operators on their licenses.

Furthermore, the requirement that third-party delivery platforms be included on liquor licenses would significantly hinder the ability for restaurants and retailers to choose the option that best suits their needs. If a restaurant is unsatisfied with an arrangement, that restaurant would then have to presumably reapply for a new license with a different delivery platform. IA represents several competitors that have different offerings for businesses across New York State (and there more competitors beyond our membership) and unless a restaurant or liquor retailer were to apply for a license with all the active third-party delivery platforms, that business would have difficulty choosing a different delivery option. While IA is sympathetic to the SLA's concerns in this space, fortifying existing contractual arrangements through a joint liquor license would undermine the SLA's goals.

To comply with the new rule, many small restaurants would likely have to choose between forgoing their liquor license or not partnering with delivery apps that provide a valuable service by helping to reach a much broader customer base. The SLA is, in effect, dictating the business models of app-based delivery companies and the restaurants they work with under this proposed rule. The proposed rule would mark a dramatic and legally dubious expansion of the SLA's legal authority insofar as it attempts to regulate all sales by licensees, not only sales of alcoholic beverages. IA believes this is a dramatic overreach of the SLA's regulatory power. In a state already criticized for being both overly regulated and unfriendly to business, this proposed draft sends yet another signal to an industry seeking to operate in traditional markets that the price of doing business in New York is a high one.

The platforms IA represents can ill afford to forgo doing business with licensed entities in New York. The SLA appears to be creating a no-win situation for businesses that operate through the



internet. The effect of imposing this rule would likely drive many app-based delivery services out of New York, meaning consumers would no longer have access to the convenient services they have come to expect, and revenues for small restaurants who use those services to grow their business would fall dramatically.

For these reasons, IA urges the SLA to reconsider the proposed draft in favor of a solution that doesn't penalize both internet platforms and small businesses in New York for working together.

I welcome further discussion on this matter at olsen@internetassociation.org or 518-242-7828.

Very truly yours,

A handwritten signature in black ink, appearing to read "JOHN OLSEN".

John Olsen

Director, State Government Affairs Northeast Region

Cc: Commissioner Lily M. Fan
Commissioner Greely T. Ford
Thomas Donohue

From: Sandra Bermudez [REDACTED]
Sent: Monday, August 26, 2019 1:05 PM
To: abc.sm.fbsupplemental
Cc: Robert Swetnick
Subject: Proposed Advisory No. 2019-x - Full Board Meeting on 09/27/2019
Attachments: 08.26.2019 Letter to Chairman Bradley re Proposed Advisory No. 2019-x.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Training/presentation

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Please see annexed comments to the Proposed Advisory No. 2019-x.

Thank you.

Sandra Bermudez
Legal Assistant
DUNNINGTON BARTHOLOW & MILLER LLP
230 Park Avenue, 21st Floor
New York, New York 10169
Telephone: 212.682.8811
Email: SBermudez@dunnington.com

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ATTORNEYS AT LAW

230 Park Avenue | 21st Floor | New York, NY 10169 | Telephone: 212-349-2800 | www.dunnington.com | rswetnick@dunnington.com

August 26, 2019

VIA EMAIL (bsupplemental@sla.ny.gov)

Chairman Vincent G. Bradley
New York State Liquor Authority
163 West 125th Street
New York, New York 10027

RE: Proposed Advisory regarding Fees
2019-01699B

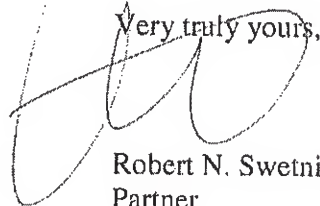
Dear Chairman Bradley:

I reviewed the proposed Advisory, No. #2019-x dated August 12, 2019 from Secretary Donohue, and am concerned that the Advisory refers to a percentage "of the licensee's profits" rather than a percentage of the cost of the merchandise sold.

As I trust you appreciate, major landlord's often request a clause providing for a percentage of gross income beyond a fixed dollar amount. Enforcement based on a determination of the "profit" will be difficult and time consuming. If a restaurant is operating at a loss, is there any profit on a particular delivery? Is it profit on that item, or the order, or the operation?

I believe that an Advisory based only or additionally on the gross income or sales price of merchandise will be better understood and more easily enforced.

Very truly yours,



Robert N. Swetnick
Partner

RNS:sb

Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Wednesday, August 21, 2019 12:33 PM
To: Donohue, Thomas (SLA)
Subject: FW: NYC Hispanic Chamber of Commerce_APP Delivery
Attachments: NYCHCC_NYC Liquor Auth_App Delivery.pdf

Follow Up Flag: Flag for follow up
Flag Status: Completed

Secretary's Office

New York State Liquor Authority

Alfred E. Smith Office Building, Suite 900
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From: Sulma Arzu-Brown [REDACTED]
Sent: Wednesday, August 21, 2019 12:10 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>; abc.sm.licensing.info <Licensing.Information@sla.ny.gov>
Subject: NYC Hispanic Chamber of Commerce_APP Delivery

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New York State Liquor Authority
80 Swan Street, Ste 900
Albany, NY, 12210

Dear Board Members:

I am the Executive Director of the New York City Hispanic Chamber of Commerce, a membership organization that represents members comprised of small businesses and restaurants. We are the only city-wide Hispanic Chamber of Commerce. I would like to register my concerns with the proposed regulations in regard to how third party delivery companies operate with restaurants that have liquor licenses. While we share your goals of protecting small businesses, this proposal is not the way to do that.

App delivery companies are a fairly recent development in how restaurants transport food to consumers. In addition to the literal act of delivery, they have also brought a marketing and tech expertise to the operations as well. With all of these services

coupled together, restaurants pay a percentage fee to app companies and generally see increased revenue overall.

I am concerned about the proposed rules that would limit commissions on fees that app delivery companies can collect from restaurants with liquor licenses. Because this 10 percent would be applied to all orders, even orders that contains items other than alcohol, these companies will likely stop doing business with this cohort of restaurants, removing their delivery services and an important stream of revenue. Essentially, the SLA would force these restaurants, many of them "mom and pop" eateries, to choose between having a liquor license, and having a delivery service-- a choice that most of them cannot afford to make.

Before you consider taking action on these proposed rules, please consider the small businesses all across the City and the State who will be negatively impacted by such a blanket rule.

Sincerely,

Cindy Estrada
NYC Hispanic Chamber of Commerce
Executive Director

With Sincerity and Gratitude,

Sulma Arzu-Brown
Director of Operations
NYC Hispanic Chamber of Commerce
159 East 116th Street
New York, NY 10029
Office: 212-348-2339
<http://hispanicchamber.nyc>

"Try not to become a man of success. Rather become a man of VALUE"... Albert Einstein



August 15, 2019

New York State Liquor Authority
80 Swan Street, Ste 900
Albany, NY, 12210

Dear Board Members:

I am the Executive Director of the New York City Hispanic Chamber of Commerce, an membership organization that represents members comprised of small businesses and restaurants. We are the only city-wide Hispanic Chamber of Commerce. I would like to register my concerns with the proposed regulations in regard to how third party delivery companies operate with restaurants that have liquor licenses. While we share your goals of protecting small businesses, this proposal is not the way to do that.

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I am concerned about the proposed rules that would limit commissions on fees that app delivery companies can collect from restaurants with liquor licenses. Because this 10 percent would be applied to all orders, even orders that contains items other than alcohol, these companies will likely stop doing business with this cohort of restaurants, removing their delivery services and an important stream of revenue. Essentially, the SLA would force these restaurants, many of them "mom and pop" eateries, to choose between having a liquor license, and having a delivery service-- a choice that most of them cannot afford to make.

Before you consider taking action on these proposed rules, please consider the small businesses all across the City and the State who will be negatively impacted by such a blanket rule.

Sincerely,

A handwritten signature in black ink that reads 'Cindy Estrada'.

Cindy Estrada
NYC Hispanic Chamber of Commerce
Executive Director

Donohue, Thomas (SLA)

From: abc.sm.secretarys.office
Sent: Friday, August 16, 2019 1:40 PM
To: Donohue, Thomas (SLA)
Subject: FW: New York City Hospitality Alliance Initial Comments on Proposed Advisory Regarding Leases, Management Agreements and Other Agreements between Licensees and Third Parties Providing Services to Licensees Regarding the Sale of Alcoholic Beverages
Attachments: NYC Hospitality Alliance Initial Comment on Third-Party Provider Advisory.pdf

From: Max Bookman [REDACTED]
Sent: Friday, August 16, 2019 1:14 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Cc: rbookman@pb.law; abc.sm.secretarys.office <Secretarys.Office@sla.ny.gov>
Subject: New York City Hospitality Alliance Initial Comments on Proposed Advisory Regarding Leases, Management Agreements and Other Agreements between Licensees and Third Parties Providing Services to Licensees Regarding the Sale of Alcoholic Beverages

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Good afternoon - We represent the New York City Hospitality Alliance. We submit the attached comments on behalf of the Alliance regarding #2019-01699B on the Misc. Agenda for the upcoming FB meeting. Thank you.

Max Bookman, Esq.
Attorney

Pesetsky & Bookman, PC
325 Broadway, Suite 501
New York, NY 10007
212-513-1988
PB.law

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NEW YORK, N.Y. 10007

WARREN B. PESETSKY
ROBERT S. BOOKMAN
Partners
MAX BOOKMAN
Associate
MARC E. FLEISCHMAN
Of counsel

(212) 513-1988
(212) 385-0564 (fax)
www.PB.law

Writer's Email: rbookman@pb.law

August 16, 2019

Members of the State Liquor Authority

Re: **New York City Hospitality Alliance Initial Comments on
Proposed Advisory Regarding Leases, Management Agreements and Other
Agreements between Licensees and Third Parties Providing Services to Licensees
Regarding the Sale of Alcoholic Beverages**

Dear Chairman Bradley, Commissioner Ford and Commissioner Fan:

Our firm represents the New York City Hospitality Alliance, a not-for-profit trade association that represents thousands of eating and drinking establishments throughout the five boroughs.

The Alliance would like to thank the Members for considering this Advisory, which is another example of the Authority's efforts under the leadership of Governor Cuomo and Chairman Bradley to find ways to permit modern business practices to exist within the restrictive post-Prohibition framework of the Alcoholic Beverage Control Law. After all, under a strict interpretation of the ABCL, non-licensee third-party providers could not share in *any* profits or revenue with licensees.

We support Secretary Donohue's recommendation that the Members defer action on the proposed Advisory and hold the matter over to a future Full Board meeting to allow sufficient time for submission of comments from the public and the industry, however we do request that an ultimate determination on the Advisory be made within a reasonable period of time.

As we continue to review the Advisory and prepare full comments to be submitted after Labor Day, we would like to take this opportunity to offer a few initial comments.

- Contrary to statements made in the media by some third-party providers, the Authority obviously has the statutory power – and responsibility – to regulate the manner in which licensees share *any* profits of the licensed business. The alternate view offered by some third-party providers, which would restrict the Authority's jurisdiction to merely profits from the sale of alcohol, is contrary to the text of the ABCL, ahistorical, and reflective of a fundamental misunderstanding of the core purpose of the state's alcoholic beverage control policy, which is to regulate the licensed *business*.

- While we are generally supportive of the Authority's efforts, we do have concerns with any new policy that would expand the scope of unlicensed parties that could legally demand compensation from licensees on a percentage basis.
- There is some vague language in the Advisory that we will highlight in our forthcoming full comments that must be clarified in order to effectuate the Members' intent. For example, it must be made clear that third-party providers may either be compensated by a flat rate or by a percentage capped at 10%, but that they may not circumvent the cap by combining a flat rate with a percentage.

We look forward to continuing to review the proposed Advisory and offering full comments after Labor Day.

Very truly yours,

PESETSKY & BOOKMAN, P.C.

A handwritten signature in black ink, appearing to read 'Robert S. Bookman', written over a horizontal line.

By: Robert S. Bookman

Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Friday, August 16, 2019 9:56 AM
To: Donohue, Thomas (SLA)
Subject: FW: Mothers Against Drunk Driving - New Delivery App Services Regulations
Attachments: New Delivery App Services Regulations.pdf

Importance: High

From: Fuentes, Isai [REDACTED]
Sent: Thursday, August 15, 2019 12:24 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>; abc.sm.licensing.info <Licensing.Information@sla.ny.gov>
Subject: Mothers Against Drunk Driving - New Delivery App Services Regulations
Importance: High

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Hello,

Attached you will find a letter being sent on behalf of Richard Mallow, Mothers Against Drunk Driving New York State Executive Director. Should you have any questions, please don't hesitate to contact him directly via email:

[REDACTED] or via phone: [REDACTED]

Thank You!

Isai Fuentes



Isai Fuentes
Program Specialist
Mothers Against Drunk Driving
New York State Office
33 Walt Whitman Road, Suite 210W
Huntington Station, NY 11746

631.547.6233 x3663 direct | 631.909.9564 mobile
631.547.6235 fax | 877.MADD.HELP victim support
isai.fuentes@madd.org | madd.org/ny



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From legislation to law enforcement to the latest technology, learn how the [Campaign to Eliminate Drunk Driving](#) will do just that—end drunk driving.



Mothers Against Drunk Driving
New York State Office
madd.org/ny

33 Walt Whitman Road
Suite 210W
Huntington Station, NY 11746

631.547.6233
877.MADD.HELP victim support
Fax 631.547.6235

New York State Liquor Authority
80 Swan Street, Ste 900
Albany, NY, 12210

Dear Board Members,

My name is Richard Mallow, and I am the Executive Director of Mothers Against Drunk Driving (MADD) in New York State. For nearly 40 years, MADD has been at the forefront of ending drunk driving. Right here in New York we've worked closely with the State Liquor Authority to reduce drunk and impaired driving. While there's more work to do, we're proud of the progress we've made, which is why I was disappointed to see you've proposed new rules on delivery companies that could roll back that progress.

Under the new rules app delivery companies like DoorDash and Uber Eats would face significant restrictions on how they partner with restaurants that have liquor licenses. The likely result of these rules is that restaurants will have to pick between a liquor license or using a third party delivery service. Our concern is that, as a result, more New Yorkers will drive drunk to and from restaurants that serve alcohol.

Before food delivery apps, most New Yorkers outside of New York City who ordered food had to drive to a restaurant to pick it up. After a night of drinks at home, people who wanted late night Chinese or a chicken parm had to get into a car and drive to get it. App companies changed that. Rather than get behind the wheel, dinner comes to you. The board's new rule will force many restaurants off delivery apps and could put more drunk drivers onto the roads. It's especially problematic for New Yorkers outside of the five boroughs where mass transit is limited and people have to drive longer distances.

We're also worried that the rules appear designed to promote alcohol consumption at restaurants given that the only establishments impacted are those with liquor licenses. Under the rules, New Yorkers will still be able to order from restaurants that don't serve liquor, but they'll have to go in person to restaurants that do. It creates an incentive for customers to eat out at restaurants with liquor and order in from restaurants without liquor, exactly the opposite of what the State should want to encourage.

I know the board does not want to see more impaired drivers on the road, and I'm hopeful you'll recognize the long-term implications of these regulations. There must be a better way to help small businesses and New Yorkers. The stakes here are simply too high to push through these changes with just five days of public review. On behalf of MADD, I urge you to stop and reconsider these rules and ensure we're not putting the lives of New Yorkers at risk.

Sincerely,

Richard Mallow
Executive Director, MADD New York

Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Tuesday, September 17, 2019 10:41 AM
To: Donohue, Thomas (SLA)
Subject: FW: Proposed SLA advisory re: third party agreements will hurt small businesses

Follow Up Flag: Follow up
Flag Status: Flagged

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80 South Swan Street, Albany, NY 12210-8002
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-----Original Message-----

From: Marios Kattos [REDACTED]
Sent: Tuesday, September 17, 2019 10:17 AM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>; lkruerge@nysenate.gov
Subject: Proposed SLA advisory re: third party agreements will hurt small businesses

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My name is Marios Kattos and I am the owner of Gramercy Kitchen in NY, NY. I depend on the revenue that food delivery apps bring in for my restaurant every week.

Because of the new rules proposed by the SLA on August 12, there is a strong likelihood that delivery app companies will no longer partner with my restaurant, which would hurt our business. This is another example of over regulation by Albany at the expense of small business owners.

Please do not approve the proposed advisory, which creates additional regulations for small businesses with liquor licenses and how they interact with third parties.

Thank you,

Marios Kattos

Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Tuesday, September 17, 2019 10:41 AM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Follow Up Flag: Follow up
Flag Status: Flagged

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www.sla.ny.gov



From: Bruce Sterman [REDACTED]
Sent: Tuesday, September 17, 2019 10:17 AM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

I urge the State Liquor Authority to provide guidance to licensed establishments like mine, so we know what financial arrangement we can have with third-party companies. I believe limiting third-party fees to 10% is appropriate if the person or entity is not listed on my liquor license like actual partners in my business are required to be.

Sincerely,
Bruce Sterman



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Donohue, Thomas (SLA)

From: abc.sm.fbssupplemental
Sent: Tuesday, September 17, 2019 10:42 AM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Follow Up Flag: Follow up
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From: Rodney Dolan [REDACTED]
Sent: Tuesday, September 17, 2019 10:37 AM
To: abc.sm.fbssupplemental <fbssupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

In today's business environment, more and more businesses that provide a service to my restaurant charge me a percentage fee. I've seen these percentage fees continue to increase over the years, which results in companies having greater leverage over my business. I support the SLA's efforts to limit percentage fees taken if the company taking the fee is not listed on my liquor license.

Sincerely,
Rodney Dolan



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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Tuesday, September 17, 2019 10:42 AM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Follow Up Flag: Follow up
Flag Status: Flagged

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From: Maura Kate Kilgore [REDACTED]
Sent: Tuesday, September 17, 2019 10:40 AM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

I operate a liquor-licensed establishment and would support the State Liquor Authority's efforts to limit third parties from taking more than 10% of a sale from my business. I am concerned about the growing percentage some companies take for their services and support the Authority's effort to reign in the business practices of certain companies.

Sincerely,
Maura Kate Kilgore



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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Tuesday, September 17, 2019 11:34 AM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Follow Up Flag: Follow up
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From: Sally Chironis [REDACTED]
Sent: Tuesday, September 17, 2019 10:48 AM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

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Sincerely,
Sally Chironis



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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Tuesday, September 17, 2019 11:51 AM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Follow Up Flag: Follow up
Flag Status: Flagged

Secretary's Office

New York State Liquor Authority

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www.sla.ny.gov



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From: Robert Howard [REDACTED]
Sent: Tuesday, September 17, 2019 11:48 AM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Re: SLA Third-Party Fees

Dear State Liquor Authority ,

In today's business environment, more and more businesses that provide a service to my restaurant charge me a percentage fee. I've seen these percentage fees continue to increase over the years, which results in companies having greater leverage over my business. I support the SLA's efforts to limit percentage fees taken if the company taking the fee is not listed on my liquor license.

Sincerely,
Robert Howard



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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Tuesday, September 17, 2019 11:52 AM
To: Donohue, Thomas (SLA)
Subject: FW: Proposed SLA advisory re: third party agreements will hurt small businesses

Follow Up Flag: Follow up
Flag Status: Flagged

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-----Original Message-----

From: Chao Chen [REDACTED]
Sent: Tuesday, September 17, 2019 11:48 AM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>; lkruerge@nysenate.gov
Subject: Proposed SLA advisory re: third party agreements will hurt small businesses

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hi,

I am the owner of Ginger Root and I'm writing to convey my serious concerns with your guidelines on working with delivery app companies.

If approved, delivery apps would likely find it financially impossible to work with restaurants that have liquor licenses, forcing me to pick between selling liquor or providing delivery. Delivery apps provide a critical revenue source for my restaurant, losing access to delivery services would devastate my business. There is already more than enough red tape for restaurants owners like me to navigate, please don't add more!

Rather than rush through flawed regulations, please listen to restaurants like mine and rethink this proposal.

Thank you,

Simon Lastname

Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Tuesday, September 17, 2019 11:52 AM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Follow Up Flag: Follow up
Flag Status: Flagged

Secretary's Office

New York State Liquor Authority

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www.sla.ny.gov

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From: Michael Staff [REDACTED]
Sent: Tuesday, September 17, 2019 11:51 AM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Re: SLA Third-Party Fees

Dear State Liquor Authority ,

In today's business environment, more and more businesses that provide a service to my restaurant charge me a percentage fee. I've seen these percentage fees continue to increase over the years, which results in companies having greater leverage over my business. I support the SLA's efforts to limit percentage fees taken if the company taking the fee is not listed on my liquor license.

Sincerely,
Michael Staff



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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Tuesday, September 17, 2019 12:24 PM
To: Donohue, Thomas (SLA)
Subject: FW: Liquor Delivery by third party

Follow Up Flag: Follow up
Flag Status: Flagged

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80 South Swan Street, Albany, NY 12210-8002
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www.sla.ny.gov



From: Michael Savvas [REDACTED]
Sent: Tuesday, September 17, 2019 11:54 AM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: Liquor Delivery by third party

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

To Whom This May Concern,

I am sending you this email in response to your call for comments on the recent proposed advisory regarding regulations concerning the delivery of liquor by third party companies.

I did read the proposed advisory but we still have a few questions that are not answered and that we would like to clarify.

We are a Delivery Company with our own internet platform that provides advertising and delivers orders for alcoholic beverages for a licensee.

What we understand so far is that, we can advertise liquor store menus(licensee) on our platform, customers can order and pay our company. We pay the licensee later. We can charge the customer and/or the licensee a flat fee delivery fee. We can charge the licensee a commission of 10% max.

Further questions we have:

-Do we need a specific insurance as a third party delivery company, to deliver liquor?

-Is there a specific time frame during the day that we are allowed to deliver liquor?

-Do we need a special vehicle permit for the vehicle that delivers the liquor?

- Considering the profit margin is a flat fee and percentage up to 10%, are we allowed to collect tips from the customers?
- What kind of liquor are we allowed to deliver (Beer, Wine, hard liquor)?
- Do we need to apply for a specific authorization in order to deliver liquor?

Thank you very much for your time.

--
Michael Savvas



Donohue, Thomas (SLA)

From: abc.sm.fbssupplemental
Sent: Tuesday, September 17, 2019 12:24 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Follow Up Flag: Follow up
Flag Status: Flagged

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From: Brian dodd [REDACTED]
Sent: Tuesday, September 17, 2019 12:12 PM
To: abc.sm.fbssupplemental <fbssupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Re: SLA Third-Party Fees

Dear State Liquor Authority ,

I urge the State Liquor Authority to provide guidance to licensed establishments like mine, so we know what financial arrangement we can have with third-party companies. I believe limiting third-party fees to 10% is appropriate if the person or entity is not listed on my liquor license like actual partners in my business are required to be.

Sincerely,
Brian dodd



Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Tuesday, September 17, 2019 1:34 PM
To: Donohue, Thomas (SLA)
Subject: FW: Concerns with Proposed SLA Rule Changes
Attachments: Miller Letter 9-17-19 - Proposed NYSLA Changes.docx

Follow Up Flag: Follow up
Flag Status: Flagged

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From: Assemblyman Brian Miller <millerb@nyassembly.gov>
Sent: Tuesday, September 17, 2019 12:27 PM
To: Bradley, Vincent (SLA) <Vincent.Bradley@sla.ny.gov>; lily.ford@sla.ny.gov; Ford, Greeley T (SLA) <Greeley.Ford@sla.ny.gov>; DesRosiers, Jill (CHAMBER) <Jill.DesRosiers@exec.ny.gov>; DeRosa, Melissa (CHAMBER) <Melissa.DeRosa@exec.ny.gov>; abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: Concerns with Proposed SLA Rule Changes

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Commissioners:

Please find a letter expressing my concerns attached to this email. I have also sent a hardcopy in the mail. Thank you very much for your time and consideration with this matter.

Brian D. Miller

Assemblyman Brian D. Miller
101st Assembly District



4747 Middle Settlement Road

New Hartford, NY 13413

Office: 315-736-3879

Fax: 315-736-3947

544 Legislative Office Bldg.
Albany, NY 12248

Office: 518-455-5334

Fax: 518-455-5391



BRIAN D. MILLER
Assemblyman 101st District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

RANKING MINORITY MEMBER
Real Property Taxation Committee

COMMITTEES
Agriculture
Consumer Affairs & Protection
Environmental Conservation
Transportation

September 17, 2019

New York State Liquor Authority
80 S Swan St # 900
Albany, NY 12210

Dear Commissioners,

I'm writing to express my concerns with your proposal for new regulations on how companies such as Grubhub, DoorDash, and Mealeo work with restaurants that have liquor licenses. As the Assembly Member representing the 101st Assembly District in upstate New York, I'm worried about how these proposals will impact small, privately owned restaurants.

The proposed changes that will limit commissions to ten percent of orders, if an app company is not on the liquor license, will make it difficult for these companies to continue to do business with small restaurants who serve alcohol. The profit margins will be too small and not worth their time. Therefore, they will be forced to discontinue their partnerships with many small restaurants. This will eliminate the ability for the affected restaurants to offer delivery services.

The amount of overbearing regulations and taxes in New York State already make it very difficult to run a business here, which is why the health of our economy is so poor. Small, privately owned restaurants found help when these food delivery apps offered them the ability to expand their business and improve their bottom line. Why, now will you take that away from them?

These restaurants cannot go through the lengthy, complicated, and expensive process of adding another party to their liquor licenses. With these app companies subsequently choosing to avoid restaurants that have a liquor license, restaurant owners will face a choice: sell liquor or use a delivery app – both will no longer be an option to many.

Forcing restaurants to choose between offering either a delivery option or alcohol on premises is unfair to small businesses. Yes, delivery apps are flawed. We must find a *good* way to stop hidden fees and stolen tips. Even with their flaws and kinks that are still being worked out, delivery apps remain an important revenue stream in a day and age where foot traffic is harder and harder to come by. The proposed rule changes do nothing to end the issues presented by delivery apps, but instead create additional issues.



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

RANKING MINORITY MEMBER
Real Property Taxation Committee

COMMITTEES
Agriculture
Consumer Affairs & Protection
Environmental Conservation
Transportation

BRIAN D. MILLER
Assemblyman 101st District

I implore you to think twice about the new regulations. Before rushing through rules that could change how thousands of businesses operate, listen to the small business owners who are already tied up in enough red tape. I am asking you to put a moratorium on the proposed changes and think through the best way to help business owners, especially those outside the city where transportation options are more limited and delivery is a fast growing business. I look forward to working with you on this issue.

Sincerely,

Assemblyman Brian D. Miller
101st Assembly District

Donohue, Thomas (SLA)

From: abc.sm.fbssupplemental
Sent: Tuesday, September 17, 2019 1:34 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Follow Up Flag: Follow up
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From: Sivan Baron [REDACTED]
Sent: Tuesday, September 17, 2019 1:31 PM
To: abc.sm.fbssupplemental <fbssupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

I urge the State Liquor Authority to provide guidance to licensed establishments like mine, so we know what financial arrangement we can have with third-party companies. I believe limiting third-party fees to 10% is appropriate if the person or entity is not listed on my liquor license like actual partners in my business are required to be.

Sincerely,
Sivan Baron



Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Tuesday, September 17, 2019 1:46 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Follow Up Flag: Follow up
Flag Status: Flagged

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From: Scott Gerber [REDACTED]
Sent: Tuesday, September 17, 2019 1:41 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

I urge the State Liquor Authority to provide guidance to licensed establishments like mine, so we know what financial arrangement we can have with third-party companies. I believe limiting third-party fees to 10% is appropriate if the person or entity is not listed on my liquor license like actual partners in my business are required to be.

Sincerely,
Scott Gerber



Donohue, Thomas (SLA)

From: abc.sm.fbssupplemental
Sent: Tuesday, September 17, 2019 1:46 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Follow Up Flag: Follow up
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From: Burak Karacam [REDACTED]
Sent: Tuesday, September 17, 2019 1:43 PM
To: abc.sm.fbssupplemental <fbssupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Re: SLA Third-Party Fees

Dear State Liquor Authority ,

In today's business environment, more and more businesses that provide a service to my restaurant charge me a percentage fee. I've seen these percentage fees continue to increase over the years, which results in companies having greater leverage over my business. I support the SLA's efforts to limit percentage fees taken if the company taking the fee is not listed on my liquor license.

Sincerely,
Burak Karacam



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Donohue, Thomas (SLA)

From: abc.sm.fbssupplemental
Sent: Tuesday, September 17, 2019 1:46 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Follow Up Flag: Follow up
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From: doreli cuatzo [REDACTED]
Sent: Tuesday, September 17, 2019 1:44 PM
To: abc.sm.fbssupplemental <fbssupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Re: SLA Third-Party Fees

Dear State Liquor Authority ,

I operate a liquor-licensed establishment and would support the State Liquor Authority's efforts to limit third parties from taking more than 10% of a sale from my business. I am concerned about the growing percentage some companies take for their services and support the Authority's effort to reign in the business practices of certain companies.

Sincerely,
doreli cuatzo



Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Tuesday, September 17, 2019 2:24 PM
To: Donohue, Thomas (SLA)
Subject: FW: Proposed SLA advisory re: third party agreements will hurt small businesses

Follow Up Flag: Follow up
Flag Status: Flagged

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From: Charles Amchir [REDACTED]
Sent: Tuesday, September 17, 2019 2:23 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>; scousins@nysenate.gov
Subject: Proposed SLA advisory re: third party agreements will hurt small businesses

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hi,

I am the owner of Saw Mill Tavern I'm writing to convey my serious concerns with your guidelines on working with delivery app companies. If approved, delivery apps would likely find it financially impossible to work with restaurants that have liquor licenses, forcing me to pick between selling liquor or providing delivery. Delivery apps provide a critical revenue source for my restaurant, losing access to delivery services would devastate my business. There is already more than enough red tape for restaurants owners like me to navigate, please don't add more! Rather than rush through flawed regulations, please listen to restaurants like mine and rethink this proposal.

Thank you, Charles Amchir

Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Wednesday, September 18, 2019 9:08 AM
To: Donohue, Thomas (SLA)
Subject: FW: Proposed SLA advisory re: third party agreements will hurt small businesses

Follow Up Flag: Follow up
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-----Original Message-----

From: Louie Aelamaj [REDACTED]
Sent: Tuesday, September 17, 2019 4:06 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>; vcruz@nysenate.gov; salazar@nysenate.gov
Subject: Proposed SLA advisory re: third party agreements will hurt small businesses

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Hi,

I am the owner of Bushwick Ale House Inc and I'm writing to convey my serious concerns with your guidelines on working with delivery app companies.

If approved, delivery apps would likely find it financially impossible to work with restaurants that have liquor licenses, forcing me to pick between selling liquor or providing delivery. Delivery apps provide a critical revenue source for my restaurant, losing access to delivery services would devastate my business. There is already more than enough red tape for restaurants owners like me to navigate, please don't add more!

Rather than rush through flawed regulations, please listen to restaurants like mine and rethink this proposal.

Thank you,

Louie Selamaj

Sent from my iPhone

Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Wednesday, September 18, 2019 9:08 AM
To: Donohue, Thomas (SLA)
Subject: FW: Proposed SLA advisory re: third party agreements will hurt small businesses

Follow Up Flag: Follow up
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-----Original Message-----

From: Louie Aelamaj [REDACTED]
Sent: Tuesday, September 17, 2019 4:06 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>; vcruz@nysenate.gov; salazar@nysenate.gov
Subject: Proposed SLA advisory re: third party agreements will hurt small businesses

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Hi,

I am the owner of Maspeth Pizza House Inc and I'm writing to convey my serious concerns with your guidelines on working with delivery app companies.

If approved, delivery apps would likely find it financially impossible to work with restaurants that have liquor licenses, forcing me to pick between selling liquor or providing delivery. Delivery apps provide a critical revenue source for my restaurant, losing access to delivery services would devastate my business. There is already more than enough red tape for restaurants owners like me to navigate, please don't add more!

Rather than rush through flawed regulations, please listen to restaurants like mine and rethink this proposal.

Thank you,

Louie Selamaj

Sent from my iPhone

Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Wednesday, September 18, 2019 9:08 AM
To: Donohue, Thomas (SLA)
Subject: FW: Proposed SLA advisory re: third party agreements will hurt small businesses

Follow Up Flag: Follow up
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-----Original Message-----

From: Louie Aelamaj [REDACTED]
Sent: Tuesday, September 17, 2019 4:06 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>; vcruz@nysenate.gov; salazar@nysenate.gov
Subject: Proposed SLA advisory re: third party agreements will hurt small businesses

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Hi,

I am the owner of Ridgewood Ale House Inc and I'm writing to convey my serious concerns with your guidelines on working with delivery app companies.

If approved, delivery apps would likely find it financially impossible to work with restaurants that have liquor licenses, forcing me to pick between selling liquor or providing delivery. Delivery apps provide a critical revenue source for my restaurant, losing access to delivery services would devastate my business. There is already more than enough red tape for restaurants owners like me to navigate, please don't add more!

Rather than rush through flawed regulations, please listen to restaurants like mine and rethink this proposal.

Thank you,

Louie Selamaj

Sent from my iPhone

Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Wednesday, September 18, 2019 9:09 AM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Follow Up Flag: Follow up
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From: Riccardo Dardha [REDACTED]
Sent: Tuesday, September 17, 2019 7:24 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Re: SLA Third-Party Fees

Dear State Liquor Authority ,

I operate a liquor-licensed establishment and would support the State Liquor Authority's efforts to limit third parties from taking more than 10% of a sale from my business. I am concerned about the growing percentage some companies take for their services and support the Authority's effort to reign in the business practices of certain companies.

Sincerely,
Riccardo Dardha

[REDACTED]

Donohue, Thomas (SLA)

From: abc.sm.fbssupplemental
Sent: Wednesday, September 18, 2019 12:49 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

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From: Anita Trehan [REDACTED]
Sent: Wednesday, September 18, 2019 12:15 PM
To: abc.sm.fbssupplemental <fbssupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

I urge the State Liquor Authority to provide guidance to licensed establishments like mine, so we know what financial arrangement we can have with third-party companies. I believe limiting third-party fees to 10% is appropriate if the person or entity is not listed on my liquor license like actual partners in my business are required to be.

Sincerely
Anita Trehan
Owner & Chef
Chaiwali Restaurant

Sincerely,
Anita Trehan
[REDACTED]

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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Wednesday, September 18, 2019 12:49 PM
To: Donohue, Thomas (SLA)
Subject: FW: Proposed SLA advisory re: third party agreements will hurt small businesses

Follow Up Flag: Follow up
Flag Status: Flagged

-----Original Message-----

From: jose ortega [REDACTED]
Sent: Wednesday, September 18, 2019 12:42 PM
To: parker@nysenate.gov; abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: Proposed SLA advisory re: third party agreements will hurt small businesses

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

My name is Jose Ortega and I am the owner of the Flatbush Latin Grill in Brooklyn, New York. I depend on the revenue that food delivery apps bring in for my restaurant every week. Because of the new rules proposed by the SLA on August 12, there is a strong likelihood that delivery app companies will no longer partner with my restaurant, which would hurt our business. This is another example of over regulation by Albany at the expense of small business owners. Please do not approve the proposed advisory, which creates additional regulations for small businesses with liquor licenses and how they interact with third parties. Thank you, Jose Ortega

Sent from my iPhone

Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Wednesday, September 18, 2019 1:57 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Follow Up Flag: Follow up
Flag Status: Flagged

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From: Jeffrey Bank [REDACTED]
Sent: Wednesday, September 18, 2019 1:51 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

I urge the State Liquor Authority to provide guidance to licensed establishments like mine, so we know what financial arrangement we can have with third-party companies. I believe limiting third-party fees to 10% is appropriate if the person or entity is not listed on my liquor license like actual partners in my business are required to be.

Sincerely,
Jeffrey Bank



Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Wednesday, September 18, 2019 1:57 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Follow Up Flag: Follow up
Flag Status: Flagged

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From: JOSEPH DIANGELIS [REDACTED]
Sent: Wednesday, September 18, 2019 1:54 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

In today's business environment, more and more businesses that provide a service to my restaurant charge me a percentage fee. I've seen these percentage fees continue to increase over the years, which results in companies having greater leverage over my business. I support the SLA's efforts to limit percentage fees taken if the company taking the fee is not listed on my liquor license.

Sincerely,
JOSEPH DIANGELIS



Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Wednesday, September 18, 2019 1:57 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Follow Up Flag: Follow up
Flag Status: Flagged

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www.sla.ny.gov



From: Stephen Tatarian [REDACTED]
Sent: Wednesday, September 18, 2019 1:55 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

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Sincerely,
Stephen Tatarian



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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Wednesday, September 18, 2019 1:57 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Follow Up Flag: Follow up
Flag Status: Flagged

Secretary's Office

New York State Liquor Authority

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80 South Swan Street, Albany, NY 12210-8002
(518) 474-3114 | secretarys.office@sla.ny.gov
www.sla.ny.gov

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From: Drew Kuruc [REDACTED]
Sent: Wednesday, September 18, 2019 1:56 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Re: SLA Third-Party Fees

Dear State Liquor Authority ,

I urge the State Liquor Authority to provide guidance to licensed establishments like mine, so we know what financial arrangement we can have with third-party companies. I believe limiting third-party fees to 10% is appropriate if the person or entity is not listed on my liquor license like actual partners in my business are required to be.

Sincerely,
Drew Kuruc



Donohue, Thomas (SLA)

From: abc.sm.fbssupplemental
Sent: Wednesday, September 18, 2019 2:03 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Follow Up Flag: Follow up
Flag Status: Flagged

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From: LYNNE WILKINSON [REDACTED]
Sent: Wednesday, September 18, 2019 2:02 PM
To: abc.sm.fbssupplemental <fbssupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

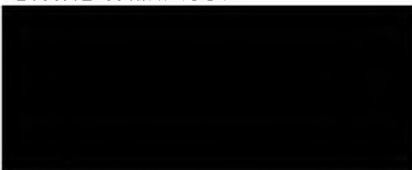
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Re: SLA Third-Party Fees

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Sincerely,
LYNNE WILKINSON



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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Wednesday, September 18, 2019 2:20 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Follow Up Flag: Follow up
Flag Status: Flagged

From: maddy khoussa [REDACTED]
Sent: Wednesday, September 18, 2019 2:06 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

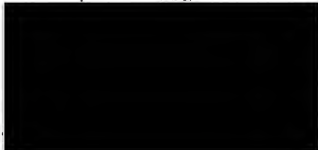
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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

In today's business environment, more and more businesses that provide a service to my restaurant charge me a percentage fee. I've seen these percentage fees continue to increase over the years, which results in companies having greater leverage over my business. I support the SLA's efforts to limit percentage fees taken if the company taking the fee is not listed on my liquor license.

Sincerely,
maddy khoussa



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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Wednesday, September 18, 2019 2:20 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Follow Up Flag: Follow up
Flag Status: Flagged

From: July Martinez [REDACTED]
Sent: Wednesday, September 18, 2019 2:07 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

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Sincerely,
July Martinez



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Donohue, Thomas (SLA)

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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Wednesday, September 18, 2019 2:20 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Follow Up Flag: Follow up
Flag Status: Flagged

From: DuQuan Robinson [REDACTED]
Sent: Wednesday, September 18, 2019 2:08 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Re: SLA Third-Party Fees

Dear State Liquor Authority ,

In today's business environment, more and more businesses that provide a service to my restaurants - Carmine's Time Square, Carmine's 91st Street, and Virgil's Real BBQ charge us a percentage fee. I've seen these percentage fees continue to increase over the years, which results in companies having greater leverage over my businesses. I support the SLA's efforts to limit percentage fees taken if the company taking the fee is not listed on my liquor license.

Sincerely,
DuQuan Robinson

Sincerely,
DuQuan Robinson
[REDACTED]

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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Wednesday, September 18, 2019 2:20 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Follow Up Flag: Follow up
Flag Status: Flagged

From: maddy khoussa [REDACTED]
Sent: Wednesday, September 18, 2019 2:06 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Sincerely,
maddy khoussa
[REDACTED]

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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Wednesday, September 18, 2019 2:20 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Follow Up Flag: Follow up
Flag Status: Flagged

From: July Martinez [REDACTED]
Sent: Wednesday, September 18, 2019 2:07 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

I urge the State Liquor Authority to provide guidance to licensed establishments like mine, so we know what financial arrangement we can have with third-party companies. I believe limiting third-party fees to 10% is appropriate if the person or entity is not listed on my liquor license like actual partners in my business are required to be.

Sincerely,
July Martinez



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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Wednesday, September 18, 2019 2:20 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Follow Up Flag: Follow up
Flag Status: Flagged

From: Sherwin Levitis [REDACTED]
Sent: Wednesday, September 18, 2019 2:19 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

I urge the State Liquor Authority to provide guidance to licensed establishments like mine, so we know what financial arrangement we can have with third-party companies. I believe limiting third-party fees to 10% is appropriate if the person or entity is not listed on my liquor license like actual partners in my business are required to be.

Sincerely,
Sherwin Levitis



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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Wednesday, September 18, 2019 2:21 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Follow Up Flag: Follow up
Flag Status: Flagged

From: Eduardo Ruiz [REDACTED]
Sent: Wednesday, September 18, 2019 2:20 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

I urge the State Liquor Authority to provide guidance to licensed establishments like mine, so we know what financial arrangement we can have with third-party companies. I believe limiting third-party fees to 10% is appropriate if the person or entity is not listed on my liquor license like actual partners in my business are required to be.

Sincerely,
Eduardo Ruiz



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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Wednesday, September 18, 2019 2:30 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Follow Up Flag: Follow up
Flag Status: Flagged

From: Keri Marino [REDACTED]
Sent: Wednesday, September 18, 2019 2:22 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

In today's business environment, more and more businesses that provide a service to my restaurant charge me a percentage fee. I've seen these percentage fees continue to increase over the years, which results in companies having greater leverage over my business. I support the SLA's efforts to limit percentage fees taken if the company taking the fee is not listed on my liquor license.

Sincerely,
Keri Marino

[REDACTED]

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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Wednesday, September 18, 2019 2:30 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Follow Up Flag: Follow up
Flag Status: Flagged

From: Natalia SHURIGINA-ORLANDO [REDACTED]
Sent: Wednesday, September 18, 2019 2:22 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Re: SLA Third-Party Fees

Dear State Liquor Authority ,

I operate a liquor-licensed establishment and would support the State Liquor Authority's efforts to limit third parties from taking more than 10% of a sale from my business. I am concerned about the growing percentage some companies take for their services and support the Authority's effort to reign in the business practices of certain companies.

Sincerely,
Natalia SHURIGINA-ORLANDO



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Donohue, Thomas (SLA)

From: abc.sm.fbssupplemental
Sent: Wednesday, September 18, 2019 2:30 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Follow Up Flag: Follow up
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From: Carlos tapia [REDACTED]
Sent: Wednesday, September 18, 2019 2:22 PM
To: abc.sm.fbssupplemental <fbssupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

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Sincerely,
Carlos tapia



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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Wednesday, September 18, 2019 2:30 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Follow Up Flag: Follow up
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From: Esaie richelieu [REDACTED]
Sent: Wednesday, September 18, 2019 2:23 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

I urge the State Liquor Authority to provide guidance to licensed establishments like mine, so we know what financial arrangement we can have with third-party companies. I believe limiting third-party fees to 10% is appropriate if the person or entity is not listed on my liquor license like actual partners in my business are required to be.

Sincerely,
Esaie richelieu



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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Wednesday, September 18, 2019 2:30 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Follow Up Flag: Follow up
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From: Joe Delgado [REDACTED]
Sent: Wednesday, September 18, 2019 2:25 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Sincerely,
Joe Delgado



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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Wednesday, September 18, 2019 2:56 PM
To: Donohue, Thomas (SLA)
Subject: FW: Proposed SLA advisory re: third party agreements will hurt small businesses

Follow Up Flag: Follow up
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From: BrianChen— [REDACTED]
Sent: Wednesday, September 18, 2019 2:38 PM
To: parker@nysenate.gov; abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: Proposed SLA advisory re: third party agreements will hurt small businesses

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

My name is Brian Chen and I am the owner of the Geisha Sushi in Manhattan, New York.

I depend on the revenue that food delivery apps bring in for my restaurant every week. Because of the new rules proposed by the SLA on August 12, there is a strong likelihood that delivery app companies will no longer partner with my restaurant, which would hurt our business. This is another example of over regulation by Albany at the expense of small business owners.

Please do not approve the proposed advisory, which creates additional regulations for small businesses with liquor licenses and how they interact with third parties.

Thank you,

Brian Chen

Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Wednesday, September 18, 2019 2:56 PM
To: Donohue, Thomas (SLA)
Subject: FW: Proposed SLA advisory re: third party agreements will hurt small businesses

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Thank you,

Brian Chen

Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Wednesday, September 18, 2019 2:57 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

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From: Philip Dixon [REDACTED]
Sent: Wednesday, September 18, 2019 2:47 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Dear State Liquor Authority ,

I operate a liquor-licensed establishment and would support the State Liquor Authority's efforts to limit third parties from taking more than 10% of a sale from my business. I am concerned about the growing percentage some companies take for their services and support the Authority's effort to reign in the business practices of certain companies.

Sincerely,
Philip Dixon



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To: Donohue, Thomas (SLA)
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Follow us

From: Paul Palagian [REDACTED]
Sent: Wednesday, September 18, 2019 2:48 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Sincerely,
Paul Palagian



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To: Donohue, Thomas (SLA)
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From: Jessica Mulligan [REDACTED]
Sent: Wednesday, September 18, 2019 2:54 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Sincerely,
Jessica Mulligan



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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Wednesday, September 18, 2019 3:03 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

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From: Noel Rodriguez [REDACTED]
Sent: Wednesday, September 18, 2019 2:59 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Sincerely,
Noel Rodriguez



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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Wednesday, September 18, 2019 3:37 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Follow Up Flag: Follow up
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www.sla.ny.gov



Follow us

From: Alexander Chan [REDACTED]
Sent: Wednesday, September 18, 2019 3:31 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

I urge the State Liquor Authority to provide guidance to licensed establishments like mine, so we know what financial arrangement we can have with third-party companies. I believe limiting third-party fees to 10% is appropriate if the person or entity is not listed on my liquor license like actual partners in my business are required to be.

Sincerely,
Alexander Chan



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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Wednesday, September 18, 2019 4:05 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Follow Up Flag: Follow up
Flag Status: Flagged

Secretary's Office

New York State Liquor Authority

Alfred E. Smith Office Building, Suite 900
80 South Swan Street, Albany, NY 12210-8002
(518) 474-3114 | secretarys.office@sla.ny.gov
www.sla.ny.gov



From: Jonathan Bourque [REDACTED]
Sent: Wednesday, September 18, 2019 4:04 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

I urge the State Liquor Authority to provide guidance to licensed establishments like mine, so we know what financial arrangement we can have with third-party companies. I believe limiting third-party fees to 10% is appropriate if the person or entity is not listed on my liquor license like actual partners in my business are required to be.

Sincerely,
Jonathan Bourque



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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Wednesday, September 18, 2019 4:44 PM
To: Donohue, Thomas (SLA)
Subject: FW: Proposed SLA advisory re: third party agreements will hurt small businesses

Follow Up Flag: Follow up
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From: Rony Delgado [REDACTED]
Sent: Wednesday, September 18, 2019 4:16 PM
To: kavanagh@nysenate.gov; abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: Proposed SLA advisory re: third party agreements will hurt small businesses

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My name is Rony Delgado and I am the General Manager of the Ginger and Lemongrass in Whitestone, NY. I depend on the revenue that food delivery apps bring in for my restaurant every week. Because of the new rules proposed by the SLA on August 12, there is a strong likelihood that delivery app companies will no longer partner with my restaurant, which would hurt our business. This is another example of over regulation by Albany at the expense of small business owners. Please do not approve the proposed advisory, which creates additional regulations for small businesses with liquor licenses and how they interact with third parties. Thank you, Rony Delgado

Donohue, Thomas (SLA)

From: abc.sm.fbssupplemental
Sent: Thursday, September 19, 2019 9:08 AM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Follow Up Flag: Follow up
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From: Glenn Rolnick [REDACTED]
Sent: Thursday, September 19, 2019 7:44 AM
To: abc.sm.fbssupplemental <fbssupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

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Re: SLA Third-Party Fees

Dear State Liquor Authority ,

In today's business environment, more and more businesses that provide a service to my restaurant charge me a percentage fee. I've seen these percentage fees continue to increase over the years, which results in companies having greater leverage over my business. I support the SLA's efforts to limit percentage fees taken if the company taking the fee is not listed on my liquor license.

Sincerely,
Glenn Rolnick



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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Thursday, September 19, 2019 9:08 AM
To: Donohue, Thomas (SLA)
Subject: FW: Proposed SLA advisory re: third party agreements will hurt small businesses

Follow Up Flag: Follow up
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From: Project Brunch [REDACTED]
Sent: Wednesday, September 18, 2019 5:43 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>; lanza@nysenate.gov
Subject: Proposed SLA advisory re: third party agreements will hurt small businesses

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Hi,

I am the owner of Project Brunch and I'm writing to convey my serious concerns with your guidelines on working with delivery app companies.

If approved, delivery apps would likely find it financially impossible to work with restaurants that have liquor licenses, forcing me to pick between selling liquor or providing delivery. Delivery apps provide a critical revenue source for my restaurant, losing access to delivery services would devastate my business. There is already more than enough red tape for restaurants owners like me to navigate, please don't add more!

Rather than rush through flawed regulations, please listen to restaurants like mine and rethink this proposal.

Thank you,

Jodi Guagliardo

Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Thursday, September 19, 2019 11:30 AM
To: Donohue, Thomas (SLA)
Subject: FW: Proposed SLA advisory re: third party agreements will hurt small businesses

Follow Up Flag: Follow up
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-----Original Message-----

From: Tony Mangano [REDACTED]
Sent: Thursday, September 19, 2019 11:20 AM
To: hoylman@nysenate.gov; [abc.sm.fbsupplemental](mailto:abc.sm.fbsupplemental@sla.ny.gov) <fbsupplemental@sla.ny.gov>
Subject: Proposed SLA advisory re: third party agreements will hurt small businesses

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

My name is Tony Mangano and I am the owner of the Famous Original Ray's Pizza in Manhattan, New York. I depend on the revenue that food delivery apps bring in for my restaurant every week. Because of the new rules proposed by the SLA on August 12, there is a strong likelihood that delivery app companies will no longer partner with my restaurant, which would hurt our business. This is another example of over regulation by Albany at the expense of small business owners. Please do not approve the proposed advisory, which creates additional regulations for small businesses with liquor licenses and how they interact with third parties. Thank you, Tony Mangano

Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Thursday, September 19, 2019 3:08 PM
To: Donohue, Thomas (SLA)
Subject: FW: SLA Third-Party Fees

Follow Up Flag: Follow up
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From: Faith Beexh [REDACTED]
Sent: Thursday, September 19, 2019 2:50 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>
Subject: SLA Third-Party Fees

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Re: SLA Third-Party Fees

Dear State Liquor Authority ,

I urge the State Liquor Authority to provide guidance to licensed establishments like mine, so we know what financial arrangement we can have with third-party companies. I believe limiting third-party fees to 10% is appropriate if the person or entity is not listed on my liquor license like actual partners in my business are required to be.

Sincerely,
Faith Beexh



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Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Friday, September 20, 2019 9:23 AM
To: Donohue, Thomas (SLA)
Subject: FW: Proposed SLA advisory re: third party agreements will hurt small businesses

Follow Up Flag: Follow up
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-----Original Message-----

From: Timothy Ducey [REDACTED]
Sent: Thursday, September 19, 2019 5:41 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>; addabbo@nysenate.gov
Subject: Proposed SLA advisory re: third party agreements will hurt small businesses

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Hi,

I have a licensed restaurant in New York called The Tap House and would like to request that you do not pass the proposed rules you released in August that would add more regulations to me and my business!

We partner with app delivery companies to reach more customers and depend on that stream of revenue in our business model. If passed, app companies would likely not see our partnership as a viable business model, and without a delivery partner my restaurant would lose business, and I would lose needed revenue.

Thank you,

Tim Ducey

Have a Great Day Tim Ducey

Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Friday, September 20, 2019 9:23 AM
To: Donohue, Thomas (SLA)
Subject: FW: Proposed SLA advisory re: third party agreements will hurt small businesses

Follow Up Flag: Follow up
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From: Henry Mendez [REDACTED]
Sent: Thursday, September 19, 2019 6:00 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>; gianaris@nysenate.gov
Subject: Proposed SLA advisory re: third party agreements will hurt small businesses

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Hi,

I have a licensed restaurant in New York called La Vecina and would like to request that you do not pass the proposed rules you released in August that would add more regulations to me and my business!

We partner with app delivery companies to reach more customers and depend on that stream of revenue in our business model. If passed, app companies would likely not see our partnership as a viable business model, and without a delivery partner my restaurant would lose business, and I would lose needed revenue.

Thank you,
%0Henry Mendez

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Donohue, Thomas (SLA)

From: abc.sm.fbssupplemental
Sent: Friday, September 20, 2019 2:02 PM
To: Donohue, Thomas (SLA)
Subject: FW: Proposed SLA advisory re: third party agreements will hurt small businesses

Follow Up Flag: Follow up
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From: Veronica Cruz [REDACTED]
Sent: Friday, September 20, 2019 1:46 PM
To: Louie Aelamaj [REDACTED]
Cc: abc.sm.fbssupplemental <fbssupplemental@sla.ny.gov>; salazar@nysenate.gov
Subject: Re: Proposed SLA advisory re: third party agreements will hurt small businesses

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Louie Selamaj,

Thank you for your email. I will pass this information along to Senator Salazar for her review.

Best regards,
Veronica Cruz

-----"Louie Aelamaj" [REDACTED] wrote: -----

To: fbssupplemental@sla.ny.gov, vcruz@nysenate.gov, salazar@nysenate.gov
From: "Louie Aelamaj" [REDACTED]
Date: 09/17/2019 04:06PM
Subject: Proposed SLA advisory re: third party agreements will hurt small businesses

Hi,

I am the owner of Ridgewood Ale House Inc and I'm writing to convey my serious concerns with your guidelines on working with delivery app companies.

If approved, delivery apps would likely find it financially impossible to work with restaurants that have liquor licenses, forcing me to pick between selling liquor or providing delivery. Delivery apps provide a critical revenue source for my restaurant, losing access to delivery services would devastate my business. There is already more

than enough red tape for restaurants owners like me to navigate, please don't add more!

Rather than rush through flawed regulations, please listen to restaurants like mine and rethink this proposal.

Thank you,

Louie Selamaj

Sent from my iPhone

Donohue, Thomas (SLA)

From: abc.sm.fbsupplemental
Sent: Friday, September 20, 2019 3:55 PM
To: Donohue, Thomas (SLA)
Subject: FW: Proposed SLA advisory re: third party agreements will hurt small businesses

Follow Up Flag: Follow up
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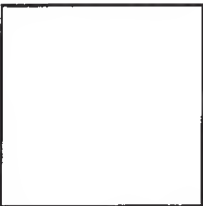
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From: Will Del Pozo [REDACTED]
Sent: Friday, September 20, 2019 2:25 PM
To: abc.sm.fbsupplemental <fbsupplemental@sla.ny.gov>; montgome@nysenate.gov
Subject: Proposed SLA advisory re: third party agreements will hurt small businesses

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I have a licensed restaurant in New York called The VSpot and would like to request that you do not pass the proposed rules you released in August that would add more regulations to me and my business. We partner with app delivery companies to reach more customers and depend on that stream of revenue in our business model. If passed, app companies would likely not see our partnership as a viable business model, and without a delivery partner my restaurant would lose business, and I would lose needed revenue. Please don't force small business owners like me to choose between having a liquor license and having delivery-- we need both. I urge you not to pass the proposed rules. Thanks,
Will De Pozo

--
Will Del Pozo



Donohue, Thomas (SLA)

From: abc.sm.fbssupplemental
Sent: Friday, September 20, 2019 3:55 PM
To: Donohue, Thomas (SLA)
Subject: FW: nys liquor authority
Attachments: nys liquor authority.doc

Follow Up Flag: Follow up
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Assemblymember Miller

Secretary's Office

New York State Liquor Authority

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From: Debra Gauthier <gauthierd@nyassembly.gov>
Sent: Friday, September 20, 2019 2:51 PM
To: Bradley, Vincent (SLA) <Vincent.Bradley@sla.ny.gov>; lily.ford@sla.ny.gov; Ford, Greeley T (SLA) <Greeley.Ford@sla.ny.gov>; DesRosiers, Jill (CHAMBER) <Jill.DesRosiers@exec.ny.gov>; DeRosa, Melissa (CHAMBER) <Melissa.DeRosa@exec.ny.gov>; abc.sm.fbssupplemental <fbssupplemental@sla.ny.gov>
Cc: [REDACTED]
Subject: nys liquor authority

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MELISSA MILLER
Assemblywoman 20th District
Nassau County

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

RANKING MINORITY MEMBER
Mental Health Committee

COMMITTEES
Alcoholism & Drug Abuse
Children & Families
Education
Environmental Conservation

MEMBER
Legislative Women's Caucus

September 20, 2019

Dear Commissioners,

It has come to my attention that there are proposed rules from the SLA that would change how liquor licensed establishments operate across the state. I am writing to urge you to consider the negative consequences that would take place with implementation and not pass the rules as written.

Currently, thousands of licensed restaurants across the state have the option to partner with a number of different app delivery companies. Most have a relationship where the app companies can provide a number of services to restaurants including: delivery couriers, tech and logistics support, marketing, and more. If payments through these partnerships are limited to a de minimis amount of 10% or less it is unlikely that third parties will be able to offer any of these services. Additionally, these new rules would completely change the way restaurants are able to partner with third party delivery companies, and put the onus on the restaurants to stay in compliance-a burden which is unfair and will be difficult for many small businesses.

By creating such a low cap on commissions, the SLA would ultimately be hurting small businesses and helping mega chains like Burger King and Wendy's-which aren't licensed. Small business owners already have to deal with bureaucracy and regulations at many levels, they do not need this additional one which would hurt their business.

The SLA previously ruled that third parties could only collect 10% on the sale of alcohol, a regulation which makes sense for all parties involved. I urge you to embrace that language moving forward.

Thank you.

Sincerely,

MELISSA MILLER
Member of Assembly
20th District